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8

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

13 In the Matter of the Accusation Against:	Case No. 1I2010-20
14 SANDRA A. STARCH	A C C U S A T I O N
15 240 Natoma Station Dr., #181	
16 Folsom, CA 95630	
17 Speech Pathologist License No. SP 5707	
18	
19 Respondent.	

19 Complainant alleges:

20 **PARTIES**

21 1. Annemarie Del Mugnaio (Complainant) brings this Accusation solely in her official
22 capacity as the Executive Officer of the Speech-Language Pathology and Audiology and Hearing
23 Aid Dispensers Board, Department of Consumer Affairs.

24 2. On or about December 10, 1984, the Speech-Language Pathology and Audiology and
25 Hearing Aid Dispensers Board issued Speech Pathologist License Number SP 5707 to Sandra A.
26 Starch (Respondent). The Speech Pathologist License was in full force and effect at all times
27 relevant to the charges brought herein and will expire on January 31, 2015, unless renewed.

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JURISDICTION

3. This 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 (Code) unless otherwise indicated.

4. 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 for any of the following:

"(a) Conviction of a crime substantially related to the qualifications, functions, and duties of a speech-language pathologist or audiologist or hearing aid dispenser, 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."

"...."

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

5. Section 125.3 of the Code provides, 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, with failure of the licentiate to comply subjecting the license to not being

1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
2 included in a stipulated settlement.

3 FIRST CAUSE FOR DISCIPLINE

(Conviction of a Crime-DUI)

4 [Bus. & Prof. Code, §§ 2533, subd. (a), 2533, subd. (c)(2), 2533(g)]

5 6. Respondent is subject to disciplinary action under Code sections 2533, subdivision
6 (a), 2533, subdivision (c)(2), and 2533, subdivision (g), in that she suffered a criminal
7 misdemeanor conviction. The circumstances are as follows:

8 7. On or about February 18, 2005, in a criminal proceeding entitled *People v. Sandra*
9 *Abolins Starch* in Placer County Superior Court, Case Number 62-048469, Respondent was
10 convicted of violating Vehicle Code section 23152, subdivision (a), a misdemeanor, after a plea
11 of nolo contendere. Respondent was ordered by the Court to be placed on three years probation,
12 take a three month first offender alcohol program, pay fines of \$1,643.75, and comply with other
13 terms and conditions. The record of the criminal proceeding is incorporated as if fully set forth

14 A. The underlying circumstances of the above referenced conviction involved the
15 following: On or about December 12, 2004, at approximately 10:14 a.m., Respondent was
16 driving a green SUV on eastbound I-80, past Maple Street in Auburn when her driving became
17 erratic and she was speeding. After Respondent was arrested for driving under the influence of
18 alcohol by an Auburn police officer, she was administered breath tests with blood alcohol results
19 of .19 and .19 percent by weight.

20 SECOND CAUSE FOR DISCIPLINE

(Conviction of a Crime-DUI)

21 [Bus. & Prof. Code, §§ 2533, subd. (a), 2533, subd. (c)(2), 2533, subd. (c)(3), 2533, subd. (c)(4)
22 and 2533, subd. (g)]

23 8. Respondent is subject to disciplinary action under Code sections 2533, subdivision
24 (a), 2533, subdivision (c)(2), 2533, subdivision (c)(3), 2533, subdivision (c)(4), and 2533,
25 subdivision (g), in that she suffered two criminal misdemeanor convictions. The circumstances
26 are as follows:

27 9. On or about May 2, 2011, in a criminal proceeding entitled *People v. Sandra Abolins*
28 *Starch* in Placer County Superior Court, Case Number 62-97891, Respondent was convicted of

1 violating two counts of Vehicle Code section 23152, subdivision (a), misdemeanors, after a plea
2 of nolo contendere. Respondent was ordered by the Court to be placed on five years probation,
3 serve 120 days in jail, successfully complete an eighteen month alcohol program, pay fines of
4 approximately \$3,745.00, and comply with other terms and conditions of probation.

5 A. The underlying circumstances of the above referenced conviction involved the
6 following: On March 11, 2010, Respondent drove off of Placer Hills Road onto a dirt shoulder
7 and her vehicle got stuck in the mud. A CHP Officer gave Respondent a breath tests with blood
8 alcohol level results of .20 and .19 percent.

9 THIRD CAUSE FOR DISCIPLINE

(Conviction of a crime-DUI)

10 [Bus. & Prof. Code, §§ 2533 subd. (a), 2533, subd. (c)(2), 2533, subd. (c)(3), 2533, subd. (c)(4),
11 and 2533, subd. (g)]

12 10. Respondent is subject to disciplinary action under Code sections 2533, subdivision
13 (a), 2533, subdivision (c)(2), 2533, subdivision (c)(3), 2533, subdivision (c)(4), and 2533,
14 subdivision (g), in that she suffered a criminal misdemeanor conviction. The circumstances are
15 as follows:

16 11. On or about May 2, 2011, in a criminal proceeding entitled *People v. Sandra Abolins*
17 *Starch* in Placer County Superior Court, Case Number 62-106099, Respondent was convicted of
18 violating one count of Vehicle Code section 23152, subdivision (a), a misdemeanor, after a plea
19 of nolo contendere. Respondent was ordered by the Court to be placed on five years probation,
20 serve 180 days in jail, successfully complete an eighteen month alcohol program, pay fines of
21 approximately \$2,465.00, and comply with other terms and conditions of probation.

22 A. The underlying circumstances of the above referenced conviction involved the
23 following: On or about March 16, 2010, at approximately 7:53 p.m., Respondent was driving a
24 dark grey Nissan travelling northbound on Lake Arthur Road when her driving became erratic
25 with weaving and she was speeding. Respondent was arrested for driving under the influence of
26 alcohol. Consequently, Respondent was stopped by a Placer County Sheriff who had her take a
27 blood test with a blood alcohol result of .23 percent.

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1 FOURTH CAUSE FOR DISCIPLINE

(Conviction of a crime-DUI)

2 [Bus. & Prof. Code, §§ 2533 subd. (a), 2533, subd. (c)(2), 2533, subd. (c)(3), 2533, subd. (c)(4),
3 and 2533, subd. (g)]

4 12. Respondent is subject to disciplinary action under Code sections 2533, subdivision
5 (a), 2533, subdivision (c)(2), 2533, subdivision (c)(3), 2533, subdivision (c)(4), and 2533,
6 subdivision (g), in that she suffered a criminal misdemeanor conviction. The circumstances are
7 as follows:

8 13. On or about August 8, 2011, in a criminal proceeding entitled *People v Sandra*
9 *Abolins Starch* in Placer County Superior Court, Case Number 62-106099, Respondent was
10 convicted of violating one count of Vehicle Code section 23152, subdivision(a), a misdemeanor,
11 after a plea of nolo contendere. Respondent was ordered by the Court to be placed on five years
12 probation, serve 180 days in jail, successfully complete an eighteen month alcohol program, pay
13 fines of approximately \$2,465.00, and comply with other terms and conditions of probation.

14 A. The underlying circumstances of the above referenced conviction involved the
15 following: On or about March 18, 2010, at approximately 10:15 p.m., Respondent was found
16 asleep in her car in Roseville. Thereafter, Respondent was arrested for driving under the
17 influence of alcohol by a Roseville police officer who had her take a blood test with a blood
18 alcohol result of .28 percent.

19 PRAYER

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

23 1. Revoking or suspending Speech Pathologist License Number SP 5707, issued to
24 Sandra A. Starch;

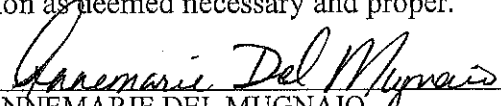
25 2. Ordering Sandra A. Starch to pay the Speech-Language Pathology and Audiology and
26 Hearing Aid Dispensers Board the reasonable costs of the investigation and enforcement of this
27 case, pursuant to Business and Professions Code section 125.3; and

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

DATED: October 3, 2013


ANNEMARIE DEL MUGNAIO
Executive Officer
Speech-Language Pathology and Audiology and Hearing
Aid Dispensers Board
Department of Consumer Affairs
State of California
Complainant

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