BEFORE THE
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **MICHAEL EDWARD CLARK** 1151 El Centro Napa, California, 94558 Occupational Therapy Assistant Certificate Number OTA 1245 Respondent	Case No. OA2005-91 OAH No.

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the California Board of Occupational Therapy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on April 5, 2008.

It is so ORDERED March 6, 2008.

Mary McVest, MGA, OTR/L President BOT
FOR THE CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS

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BEFORE THE
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **MICHAEL EDWARD CLARK** 1151 El Centro Napa, California, 94558 Occupational Therapy Assistant Certificate Number OTA 1245 Respondent	Case No. OA2005-91 **STIPULATED SURRENDER OF LICENSE AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties in this proceeding that the following matters are true:

PARTIES

1. Heather Martin (Complainant) is the Executive Officer of the California Board of Occupational Therapy. She brought this action solely in her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Jonathan D. Cooper, Deputy Attorney General.

2. Michael Edward Clark (Respondent) is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about July 1, 2003, the California Board of Occupational Therapy issued Occupational Therapy Assistant Certificate No. OTA 1245 to Michael Edward Clark (Respondent). The Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. OA2005-91 and expired on November 30, 2007.

JURISDICTION

4. Accusation No. OA2005-91 was filed before the California Board of Occupational Therapy (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on December 28, 2007. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. OA2005-91 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. OA2005-91. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. OA2005-91, agrees that cause exists for discipline, and hereby surrenders his Occupational Therapy Assistant Certificate No. OTA 1245 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Occupational Therapy Assistant Certificate without further process.

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CONTINGENCY

10. This stipulation shall be subject to approval by the California Board of Occupational Therapy. Respondent understands and agrees that counsel for Complainant and the staff of the California Board of Occupational Therapy may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the (Board) may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Occupational Therapy Assistant Certificate No. OTA 1245, issued to Respondent Michael Edward Clark, is surrendered and accepted by the California Board of Occupational Therapy.

13. The surrender of Respondent's Occupational Therapy Assistant Certificate and the acceptance of the surrendered Certificate by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

14. Respondent shall lose all rights and privileges as an Occupational Therapy Assistant in California as of the effective date of the Board's Decision and Order.

15. Respondent shall cause to be delivered to the Board both his wall and

pocket license certificates on or before the effective date of the Decision and Order.

16. Respondent fully understands and agrees that if he ever files an application for licensure or a petition for reinstatement of his Occupational Therapy Assistant Certificate in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. OA2005-91 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

17. Respondent shall not apply for reinstatement of his Occupational Therapy Assistant Certificate or apply for an Occupational Therapist license for five years from the effective date of this Decision and Order.

18. Prior to application for reinstatement of his Occupational Therapy Assistant Certificate, or application for issuance of an Occupational Therapy license, Respondent shall complete a 12 contact-hour course in law and ethics.

19. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. OA2005-91 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

20. Respondent shall pay the Board its costs of investigation and enforcement in the amount of $10,537.25 prior to issuance of a new or reinstated Occupational Therapist license or Occupational Therapy Assistant certificate.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Occupational Therapy Assistant Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the California Board of

Occupational Therapy.

DATED: 1/24/08

Michael Edward Clark
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the California Board of Occupational Therapy of the Department of Consumer Affairs.

DATED: 1/30/08

EDMUND G. BROWN JR., Attorney General
of the State of California

FRANK H. PACOE
Supervising Deputy Attorney General

JONATHAN D. COOPER
Deputy Attorney General

Attorneys for Complainant