

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 KAREN R. DENVER
Deputy Attorney General
4 State Bar No. 197268
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5333
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. LC-2009-832

13 **JANELLE LEE BURRILL**
915 University Avenue
14 Sacramento, CA 95825

A C C U S A T I O N

15 **Clinical Social Worker**
16 **License No. LCS 16216**

Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Kim Madsen (Complainant) brings this Accusation solely in her official capacity as
21 the Executive Officer of the Board of Behavioral Sciences, Department of Consumer Affairs.

22 2. On or about July 31, 1992, the Board of Behavioral Sciences issued Clinical Social
23 Worker License Number LCS 16216 to Janelle Lee Burrill (Respondent). The Clinical Social
24 Worker License was in full force and effect at all times relevant to the charges brought herein and
25 will expire on July 31, 2011, unless renewed.

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JURISDICTION

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

5 4. Section 4996.11 of the Code states that "[t]he board may suspend or revoke the
6 license of any person who is guilty on the grounds set forth in Section 4992.3. The proceedings
7 for the suspension or revocation of licenses under this article shall be conducted in accordance
8 with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the
9 Government Code, and the board shall have all the powers granted in that chapter."

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

13 6. Section 4992.3 of the Code states:

14 The board may deny a license or a registration, or may suspend or revoke the license or
15 registration of a licensee or registrant if he or she has been guilty of unprofessional conduct.

16 Unprofessional conduct includes, but is not limited to, the following:

17 ...

18 (e) An act or omission that falls sufficiently below the standard of conduct of the
19 profession as to constitute an act of gross negligence.

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21 (k) The commission of any dishonest, corrupt, or fraudulent act substantially related to the
22 qualifications, functions, or duties of a licensee or registrant.

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COST RECOVERY

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

1 FIRST CAUSE FOR DISCIPLINE

2 (Commission of a Dishonest, Corrupt, or Fraudulent Act)

3 8. Respondent is subject to disciplinary action under section 4992.3(k), in that she
4 committed dishonest, corrupt, or fraudulent acts substantially related to the qualifications,
5 functions, or duties of a licensee. The circumstances are as follows:

6 a. On or about June 18, 2009, Respondent submitted a renewal application to the
7 American Board of Examiners for Clinical Social Workers (ABE), in which she falsely affirmed
8 that at that time, to her knowledge no complaint was under review by any professional
9 organization or regulatory authority regarding her practice. In fact, at the time of her affirmation,
10 there were at least two complaints against Respondent that were being investigated by the Board
11 of Behavioral Sciences, and Respondent was aware of at least one of them. As a result of this
12 misrepresentation, ABE revoked Respondent's certification as a Board Certified Diplomate on or
13 about March 17, 2010.

14 b. On or about November 30, 2009, Respondent made a false representation of fact in a
15 letter to Judge Frances Kearney of the Placer County Superior Court regarding a complaint that
16 had been filed against her with the Board of Behavioral Sciences. Respondent had been
17 appointed by the Court to provide reunification therapy for a minor child and his mother, in
18 *Marriage of Nair, Dr. Bindu and Jayraj* (Placer County Superior Court, Case No. SDR-0026925).
19 On or about January 30, 2009, the minor's father filed a complaint with the Board of Behavioral
20 Sciences against Respondent, and Respondent received a copy of the complaint on or about
21 February 2, 2009. In Respondent's letter to the Court dated November 30, 2009, she falsely
22 stated that the Board of Behavioral Sciences had dismissed the father's complaint, when it was
23 actually still pending.

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