

BEFORE THE  
BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation  
Against:

RICHARD CHARLES CERVANTES, Ph.D.  
1541 South Shenendoah St., No. 7  
Los Angeles, California 90035

Psychologist's License  
No. PSY 10056

Respondent.

No. D-5124

L-60020

DECISION AFTER NONADOPTION

This matter came on regularly for hearing before Milford A. Maron, Administrative Law Judge (ALJ) of the Office of Administrative Hearings, on September 24, 1994, at Los Angeles, California. At the hearing, the ALJ was presented the matter on a written stipulation (Exhibit 22) and objections and response (Exhibit G).

Complainant was represented by Elisa B. Wolfe, Deputy Attorney General. Respondent, Richard Charles Cervantes, Ph.D., was represented by his counsel, Jay Hartz, Esq. The parties filed closing written arguments, marked for identification as Exhibit AA. The matter stood submitted on December 20, 1994.

Oral and documentary evidence having been received and the matter submitted, the Administrative Law Judge submitted his proposed decision on January 3, 1995.

On March 1, 1995, the Board of Psychology (hereafter "board") issued a Notice of Nonadoption of Proposed Decision.

Subsequent to the receipt of the transcript, the parties were given an opportunity to submit argument to the board. Written argument dated May 3, 1995 was received from respondent's attorney, Jay N. Hartz, Esq. No written argument was received from complainant's attorney.

After consideration of all oral and documentary evidence, including the transcript of the hearing held on September 24, 1994, and the written argument after nonadoption, the board hereby renders its own decision in this matter.

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FINDINGS OF FACT

## I

Complainant, Thomas S. O'Connor, made the Accusation in his official capacity as Executive Officer of the Board of Psychology of the Medical Board of California.

## II

A. On or about August 21, 1984, the Board of Psychology<sup>1</sup> approved respondent to act as a registered psychologist. The registration expired on or about August 21, 1986.

B. On or about July 15, 1987, said board issued Psychologist's License No. PSY 10056 to respondent Richard Charles Cervantes, Ph.D. Since the date of its issuance said license has been in full force and effect.

## III

A. In or around October 1984, P.H., an adult female, sought psychotherapy services from respondent in connection with various personal problems, among which, were (1) difficulties in her relationships with men, and (2) job-related concerns. Said psychotherapy services were provided by respondent in the form of weekly individual counselling sessions.

B. Starting in or around January 1985, respondent informed P.H. that he felt close to her, and in February 1985, respondent and P.H. commenced a sexual relationship. Said sexual relationship continued until approximately August 1989.

## IV

A. Respondent is currently Assistant Professor of Clinical Psychiatry (Psychology) at the Department of Psychiatry of the University of Southern California School of Medicine. He is also a Supervising Psychologist at the Child/Adolescent Outpatient Clinic at the USC Medical Center, as well as the Associate Director of its Clinical Psychology Internship Training Program.

B. During the period between September 1982, and December 1983, respondent provided services as a pre-doctoral intern at the Didi Hirsch Community Mental Health Clinic in Culver City. Beginning in December 1983, he worked at said clinic as a case worker engaged in obtaining the required 1,500 hours of post-

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<sup>1</sup>Successor agency to the Psychology Examining Committee.

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doctoral clinical experience necessary for licensure as a clinical psychologist.

C. In October 1984, while still employed as a case worker, respondent was assigned to the Venice office of the subject clinic where he saw P.H. professionally six to seven times between October 1984 and February 1985.

D. In February 1985, respondent received a distraught telephone call from P.H. who informed him that she was experiencing some physical distress. She insisted that she urgently needed to consult with him, but was unable to come to the clinic due to this physical distress. Respondent agreed to meet with her at her home. Respondent consulted with P.H. for more than an hour at her home. There was no improper contact.

E. Approximately a week later, respondent received another urgent telephone call from P.H. who related to him a very graphic dream that she said she had the previous night, and that she found this frightening. Sometime after this telephone call, respondent invited P.H. out to a restaurant, and while in his car, P.H. invited sexual relations. They had sexual relations that evening and during the following days and weeks.

It is a very basic and fundamental principle that psychologists know how to deal with the issue of transference. Respondent not only failed to appropriately address this issue, but initiated the restaurant meeting which ultimately led to inappropriate sexual relations with P.H.

F. Approximately a week after they had sexual intercourse, respondent saw P.H. in therapy for one session. Thereafter, respondent gave P.H. an ultimatum that she must decide which of the two relationships she would terminate. She chose to terminate the psychotherapeutic relationship.

G. Respondent felt a tremendous amount of discomfort and guilt about his sexual involvement with P.H. Because of this he immediately sought assistance through psychotherapy, and remained in psychotherapy for a period of approximately eighteen months. After respondent ended his psychotherapy, he engaged in couples therapy with P.H. for approximately a year, ending in early 1987.

Respondent's participation in couples therapy with P.H. is evidence of respondent's failure to recognize appropriate boundaries.

H. In approximately December 1986, the subjects' personal relationship began to deteriorate. Respondent saw P.H. with decreasing frequency until late in 1990. In January 1991,

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respondent received a letter written on P.H.'s behalf by an attorney, demanding a payment of \$6,630 in restitution. Respondent paid the demand. In exchange, P.H. released respondent from any and all civil claims.

Respondent's payment to P.H. is not considered a mitigating factor as it does not reflect on, or evidence, respondent's fitness to practice.

I. Prior to the commencement of the inappropriate relationship, respondent was experiencing difficulties in his own marriage. This ultimately resulted in a separation in September 1985, and a divorce in July 1988.

J. Respondent has restricted his practice during the last two years to providing therapy in group sessions, in order to avoid concerns about his fitness to deal with females on a one-to-one basis.

V

The ALJ made the following rulings on legal objections raised by respondent.

1. Statement of P.H. (Exh. 5)

a. Paragraphs 44 and 45:

Objection: hearsay; lack of foundation

Ruling: Sustained

b. Paragraph 46:

Objection: irrelevant

Ruling: Overruled

c. Paragraphs 48-51:

Objection: irrelevant

Ruling: Overruled

d. Paragraphs 52-54:

Objection: irrelevant

Ruling: Overruled

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- b. Paragraphs 9 and 10:
- Objection: hearsay; lacks foundation;  
irrelevant
- Ruling: Overruled, relevant supported  
hearsay.
5. Statement of John Hedenberg, Ph.D. (Exh. 13)
- a. Objection: entire declaration and attached  
letter: irrelevant
- Ruling: Sustained
6. Statement of Grace White, LCSW (Exh. 12)
- a. Objection: entire declaration and attached  
letter: irrelevant
- Ruling: Sustained
7. Statement of Cerena Masanz (Exh. 9)
- a. Objection: entire declaration irrelevant
- Ruling: Sustained
8. Statement of Darlene Skorka, Ph.D (Exh. 17)
- a. Objection: Paragraphs 14-15: lacks  
foundation; speculation
- Ruling: Sustained

VI

All allegations not heretofore found as true are hereby determined to be unproved by the evidence.

#### DETERMINATION OF ISSUES

Pursuant to the foregoing findings of fact, the Board of Psychology now makes the following determination of issues:

I

Cause for disciplinary action exists against respondent pursuant to sections 726 and 2960(j) and (n) of the Business and

