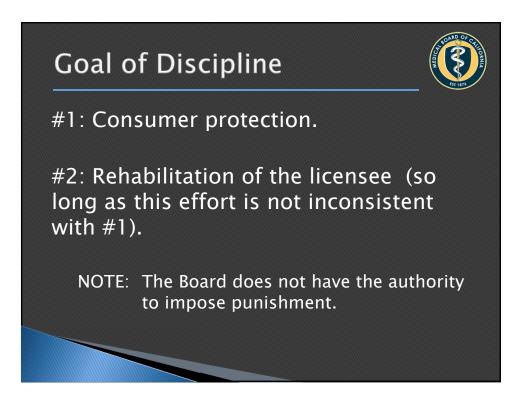


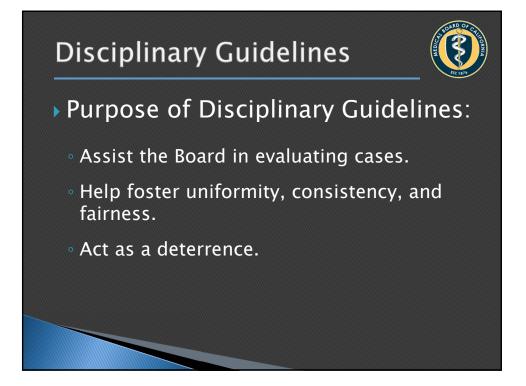


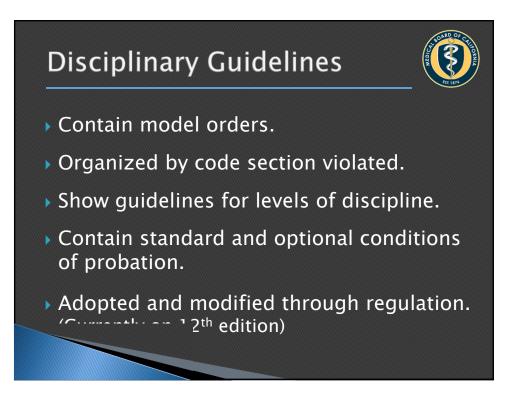


- Protection of the public SHALL be the highest priority for administrative law judges (ALJ) and the Board in exercising their disciplinary authority.
- In exercising disciplinary authority ALJ/Board shall whenever possible take action calculated to aid in the rehabilitation of the licensee as indicated by the evidence.
- HOWEVER, where rehabilitation and protection of the public are inconsistent, PROTECTION SHALL BE PARAMOUNT!

B&P Code § 2229







Disciplinary Guidelines



 Applicable to both Proposed Decisions and Proposed Stipulations

- Proposed Decision (PD) Written by an ALJ after a full administrative evidentiary hearing.
- Proposed Stipulation (Stip) Agreement reached between the parties (Respondent and Board executive staff) prior to a hearing, and often involves input from an ALJ.

PDs vs. Stips



How are PDs and Stips Different?

- Both must consider the disciplinary guidelines in determining discipline.
- A PD must state the reasons for deviation from the guidelines in the public document, while a stip does not.

•WHY???

PDs vs. Stips



- The settlement discussions under the law are confidential & designed to promote a speedy resolution without the need for hearing.
- Confidential reasons for stipulation and deviation from guidelines are provided to the Board in a deputy attorney general (DAG) memo.
- If no settlement is reached, or if the Board rejects the proposed stipulation, settlement discussions cannot be used against either party at a hearing.

Reviewing Cases – PDs



- Step 1: Review the Accusation, noting the allegations.
- **Step 2**: Read the PD and determine:
 - What if any allegations have been sustained in the legal conclusions by clear and convincing evidence?
 - What evidence is cited in support of each conclusion based on information noted in the factual findings.

