

BEFORE THE  
BOARD OF BEHAVIORAL SCIENCES  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2002016000502

**KENNETH DEAN PENSE**  
1420 E. Roseville Pkwy. #140-205  
Roseville, CA 95661-3078

Licensed Marriage and Family Therapist  
License No. LMFT 24310

Respondent.

DECISION AND ORDER

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

This Decision shall become effective on June 14, 2017.

It is so ORDERED May 15, 2017.



FOR THE BOARD OF BEHAVIORAL SCIENCES  
DEPARTMENT OF CONSUMER AFFAIRS

1 XAVIER BECERRA  
Attorney General of California  
2 KENT D. HARRIS  
Supervising Deputy Attorney General  
3 JOSHUA B. EISENBERG  
Deputy Attorney General  
4 State Bar No. 279323  
1300 I Street, Suite-125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 327-1466  
Facsimile: (916) 327-8643  
7 E-mail: Joshua.Eisenberg@doj.ca.gov  
*Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 2002016000502

12 **KENNETH DEAN PENSE**  
13 1420 E. Roseville Pkwy. #140-205  
14 Roseville, CA 95661-3078

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

15 **Licensed Marriage and Family Therapist**  
**License No. LMFT 24310**

16 Respondent.

17  
18 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-  
19 entitled proceedings that the following matters are true;

20 **PARTIES**

21 1. Kim Madsen (Complainant) is the Executive Officer of the Board of Behavioral  
22 Sciences (Board). She brought this action solely in her official capacity and is represented in this  
23 matter by Xavier Becerra, Attorney General of the State of California, by Joshua B. Eisenberg,  
24 Deputy Attorney General.

25 2. Kenneth Dean Pense (Respondent) is represented in this proceeding by attorney  
26 Kathleen Humphrey, whose address is Kathleen Humphrey, J Supple Law, 2330 Marinship Way,  
27 Suite 250, Sausalito, CA 94965.

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Kathleen Humphrey. I understand the stipulation and the effect it will have on my Marriage and Family Therapist License. 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 Board of Behavioral Sciences.

DATED: 04/14/2017 Kenneth D Pense  
KENNETH DEAN PENSE  
Respondent

I have read and fully discussed with Respondent Kenneth Dean Pense the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 4-28-17 Kathleen Humphrey  
KATHLEEN HUMPHREY  
Attorney for Respondent

ENDORSEMENT

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

Dated: 5/1/17 Respectfully submitted,  
XAVIER BECERRA  
Attorney General of California  
KENT D. HARRIS  
Supervising Deputy Attorney General  
Joshua B. Eisenberg  
JOSHUA B. EISENBERG  
Deputy Attorney General  
Attorneys for Complainant

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**Exhibit A**

**Accusation No. 2002016000502**

1 KAMALA D. HARRIS  
Attorney General of California  
2 KENT D. HARRIS  
Supervising Deputy Attorney General  
3 JOSHUA B. EISENBERG  
Deputy Attorney General  
4 State Bar No. 279323  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 327-1466  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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

11 In the Matter of the First Amended Accusation  
Against:  
12 **KENNETH DEAN PENSE**  
13 **1420 E. Roseville Pkwy. #140-205**  
14 **Roseville, CA 95661-3078**  
15 **Licensed Marriage and Family Therapist**  
**License No. LMFT 24310**  
16 **Respondent.**

Case No. 2002016000502

**FIRST AMENDED ACCUSATION**

17 Complainant alleges:

18 **PARTIES**

- 19 1. Kim Madsen (Complainant) brings this First Amended Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Behavioral Sciences (Board),  
21 Department of Consumer Affairs.  
22 2. On or about September 23, 1988, the Board of Behavioral Sciences issued Marriage  
23 and Family Therapist License Number LMFT 24310 to Kenneth Dean Pense (Respondent). The  
24 Marriage and Family Therapist License was in full force and effect at all times relevant to the  
25 charges brought herein. The license expired on August 31, 2015, and has not been renewed.

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7. Section 4990.33 states:

“Notwithstanding any other law, except as provided in Section 4990.32, the expiration, cancellation, forfeiture, or suspension of a license, registration, or other authority to practice by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license or registration by a licensee or registrant, of any license or registration within the authority of the board, shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or registrant or to render a decision suspending or revoking the license or registration.”

COST RECOVERY

8. Section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee 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.

FACTUAL BACKGROUND

9. In or about 2002, after originally seeing Client's husband for individual counseling, Respondent initiated couples counseling with Client and her husband at Respondent's Cornerstone Psychological Center office. In or about 2003, Respondent began providing individual therapy to Client, which continued with varying frequency through 2014. At first, the individual counseling sessions occurred weekly, but they eventually tapered down to once a month or every couple months. While the counseling sessions typically occurred at Respondent's office, several sessions were conducted in the office parking lot or during walks to the nearby nature wetlands.

10. In or between 2008-2009, the therapeutic relationship changed to a personal and sexual relationship. During a counseling session, Respondent told Client that he loved her, proceeded to sit next to Client on the couch, and asked for a hug. At subsequent counseling sessions, Respondent initiated intimacy by asking Client to sit on his lap, kissing her, squeezing her buttocks, touching her breasts, and nuzzling his face into her breasts.

11. In or between 2009-2014, Respondent repeatedly told Client in person and in emails that he loved her. Respondent began taking Client to dinner, coffee, and walks by the wetlands

1 where they discussed their intimate relationship. Respondent and Client engaged in numerous  
2 telephone calls and emails to each other outside of their scheduled therapy sessions. Respondent  
3 told Client in emails that their personal relationship was one of the important parts of her growth.  
4 There was no indication of ending the therapeutic relationship while the intimate relationship was  
5 occurring.

6 12. On or about October 16, 2012, during a counseling session, Respondent and Client  
7 were kissing on Respondent's office couch when Respondent suggested and performed oral sex  
8 on Client. Respondent also suggested that his wife should join them in sexual activity, becoming  
9 demanding at times, but Client declined. On or about October 19, 2012, during a counseling  
10 session, Respondent and Client were kissing when Respondent again suggested and performed  
11 oral sex on Client.

12 13. In or about 2012, Client repeatedly asked Respondent about the status of their  
13 relationship and their future together. Respondent would sometimes express excitement about the  
14 possibility of them building a future together and sometimes would be cold and dismissive about  
15 their relationship. This caused Client to become confused, hurt, and frustrated. She also began to  
16 experience severe stress and anxiety, manifesting in the loss of hair, rashes, facial breakouts, and  
17 loss of sleep. In or about 2014, Respondent abruptly ended the relationship by terminating all  
18 contact with Client.

19 **FIRST CAUSE FOR DISCIPLINE**

20 (Sexual Relations with a Client)

21 14. Respondent is subject to disciplinary action under Code section 4982, subdivision (k)  
22 in that he engaged in a sexual relationship with a client, the circumstances of which are set forth  
23 more fully in paragraphs 9 and 11, above.

24 **SECOND CAUSE FOR DISCIPLINE**

25 (Gross Negligence)

26 15. Respondent is subject to disciplinary action under section 4982, subdivision (d), in  
27 that Respondent in that he demonstrated gross negligence in the performance of marriage and  
28 family therapy, as more specifically set forth in paragraphs 9 through 12, above.

