

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 GREG W. CHAMBERS  
Deputy Attorney General  
4 State Bar No. 237509  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-5723  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**BOARD OF PSYCHOLOGY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 600-2016-000831

11 **KENNETH A. BRESLIN, PH.D.**  
12 **8 Camino Encinas, Suite 210**  
13 **Orinda, CA 94563-3350**

**A C C U S A T I O N**

14 **Psychologist License No. 7177**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Antonette Sorrick ("Complainant") brings this Accusation solely in her official  
19 capacity as the Executive Officer of the Board of Psychology, Department of Consumer Affairs.

20 2. On or about January 4, 1982, the Board of Psychology issued Psychologist License  
21 Number 7177 to Kenneth A. Breslin, Ph.D. ("Respondent"). The Psychologist License was in full  
22 force and effect at all times relevant to the charges brought herein and will expire on November  
23 30, 2017, unless renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board of Psychology ("Board"), Department of  
26 Consumer Affairs, under the authority of the following laws. All section references are to the  
27 Business and Professions Code unless otherwise indicated.  
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1           4.       Section 2960 of the Code provides in part that the Board may suspend or revoke  
2 the registration or license of any registrant or licensee if the applicant, registrant, or licensee has  
3 been guilty of unprofessional conduct. Unprofessional conduct shall include, but not be limited  
4 to: (i) violating any rule of professional conduct promulgated by the board and set forth in  
5 regulations duly adopted under this chapter; (k) violating any of the provisions of this chapter or  
6 regulations duly adopted thereunder; and (n) the commission of any dishonest, corrupt, or  
7 fraudulent act.

8           5.       Section 2936 of the Code provides in part that the Board shall establish as its  
9 standards of ethical conduct relating to the practice of psychology, the “Ethical Principles of  
10 Psychologists and Code of Conduct” published by the American Psychological Association  
11 (“APA”). Those standards shall be applied by the board as the accepted standard of care in all  
12 licensing examination development and in all board enforcement policies and disciplinary case  
13 evaluations.

14          6.       The APA promulgates the APA Ethical Principles of Psychologists and Code of  
15 Conduct, which consists of General Principles and specific Ethical Standards. The Ethical  
16 Standards set forth enforceable rules for conduct as psychologists. Psychologist conduct which  
17 violates the APA Ethical Principles of Psychologists and Code of Conduct constitutes  
18 unprofessional conduct and cause for discipline within the meaning of Code section 2936 and  
19 section 2960, subdivision (i).

20          7.       APA Ethical Principles of Psychologists and Code of Conduct (2010), Principle A:  
21 Beneficence and Nonmaleficence states in pertinent part that:

22               Psychologists strive to benefit those with whom they work and take care to  
23 do no harm. In their professional actions, psychologists seek to safeguard the  
24 welfare and rights of those with whom they interact professionally and other  
25 affected persons . . . . When conflicts occur among psychologists' obligations  
26 or concerns, they attempt to resolve these conflicts in a responsible fashion  
27 that avoids or minimizes harm. Because psychologists' scientific and  
28 professional judgments and actions may affect the lives of others, they are  
alert to and guard against personal, financial, social, organizational or  
political factors that might lead to misuse of their influence. Psychologists  
strive to be aware of the possible effect of their own physical and mental  
health on their ability to help those with whom they work.

8. APA Ethical Principles of Psychologists and Code of Conduct (2010), 2.06 Personal Problems and Conflicts states:

(a) Psychologists refrain from initiating an activity when they know or should know that there is a substantial likelihood that their personal problems will prevent them from performing their work-related activities in a competent manner.

(b) When psychologists become aware of personal problems that may interfere with their performing work-related duties adequately, they take appropriate measures, such as obtaining professional consultation or assistance and determine whether they should limit, suspend or terminate their work-related duties.

9. California Code of Regulations, title 16, section 1394, provides that for the purposes of suspension, or revocation of a license or registration pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license or registration under the Psychology Licensing Law (Chapter 6.6 of Division 2 of the Code), if to a substantial degree it evidences present or potential unfitness of a person holding a license or registration to perform the functions authorized by his or her license or registration or in a manner consistent with the public health, safety, or welfare.

## COST RECOVERY

10. Section 125.3 of the Code provides in part that in any order issued in resolution of a disciplinary proceeding before any Board, 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.

11. Additionally, Section 125.3 of the Code provides that a certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the entity bringing the proceeding or its designated representative shall be prima facie evidence of reasonable costs of investigation and prosecution of the case. The costs shall include the amount of investigative and enforcement costs up to the date of the hearing, including, but not limited to, charges imposed by the Attorney General.

12. Further, Section 125.3 of the Code provides that where an order for recovery of costs is made and timely payment is not made as directed in the Board's decision, the Board may enforce the order for repayment in any appropriate court. This right of enforcement shall be in addition to any other rights the Board may have as to any licensee to pay costs.

#### FIRST CAUSE FOR DISCIPLINE

##### (Unprofessional Conduct – Substantially Related to the Practice of Psychology)

13. Respondent is subject to disciplinary action for unprofessional conduct under sections 2960, 2960(i), 2960(k), 2960(n) of the Code, and for violation of APA Ethical Principles in that on or about October 5, 2016, in Lafayette, California, Respondent was arrested for possession of child pornography. The circumstances are as follows:

14. On or about October 5, 2016, law enforcement officers discovered evidence of child pornography, including images and videos, on a laptop computer and three hard drives located inside the business “A Child’s Point of View,” located at 8 Camino Encinas, #210, Orinda, California. Law enforcement officers determined that there were approximately 9,000 photos in one folder alone.

15. “A Child’s Point of View” is the child psychology practice owned and operated by Respondent.

16. On or about October 5, 2016, law enforcement discovered evidence of child pornography on a Toshiba laptop computer and on a thumbdrive, both of which were located at 3405 Moraga Boulevard, Lafayette, California.

17. Respondent resides at 3405 Moraga Boulevard, Lafayette, California and admitted to law enforcement that the Toshiba laptop computer belonged to him.

18. Images found on the Toshiba laptop computer include but are not limited to the following:

- a. A video of a young girl, approximately eleven to twelve years of age, masturbating, before what appears to be the hand of an adult male touches the child’s vagina.
- b. A video of a young girl, approximately thirteen to fourteen years of age,



1 masturbating for the camera.

2 19. Images found on the thumbdrive located at Respondent's residence include but are  
3 not limited to depictions of the following:


- 4 a. A young girl, approximately eight years old, nude, spreading her legs for the  
5 camera.  
6 b. A young girl, approximately eight years old, with a green glass bottle in front of  
7 her vagina.  
8 c. A young girl, approximately eight years old, in the bath with her legs spread  
9 exposing her vagina.

10 PRAYER

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
12 and that following the hearing, the Board of Psychology issue a decision:

- 13 1. Revoking or suspending Psychologist License Number 7177, issued to Kenneth A.  
14 Breslin, Ph.D.;  
15 2. Ordering Kenneth A. Breslin, Ph.D. to pay the Board of Psychology the reasonable  
16 costs of the investigation and enforcement of this case, and, if placed on probation, the costs of  
17 probation monitoring;  
18 3. Taking such other and further action as deemed necessary and proper.  
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20  
21 DATED: October 10, 2016

22  on behalf of  
ANTONETTE SORRICK  
Executive Officer  
Board of Psychology  
Department of Consumer Affairs  
State of California  
Complainant

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