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COURT OF APPEALS  
DIVISION II

2018 MAY 30 PM 1:09

STATE OF WASHINGTON

BY \_\_\_\_\_  
DEPUTY

**No. 51482-6-II**

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION TWO

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WASHINGTON STATE  
DEPARTMENT OF HEALTH

Respondent,

v.

ARELY JIMENEZ

Appellant

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ON APPEAL FROM THE SUPERIOR COURT OF THE STATE  
WASHINGTON FOR THURSTON COUNTY  
Case No. 17-2 03404-34

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The Honorable Christine Schaller, Judge

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**Appellant's Amended Opening Brief**

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## INTRODUCTION

This case is before the Appellate Court, because on February 17, 2015, Appellant was arrested. She had been practicing Ćedicine since January 15, 2015. The Ćedicine School is an online school. Appellant got involved with the school because a member of her church, Hugh Johnson and his wife Bonnie, told Appellant that the school had a very good curriculum that looked at health thru the spectrum of quantum physics and biogenetics.

Appellant is attracted to any field of science that considers bringing health solutions through an integrated approach that coalesce the capabilities of the human body with the vast resources of nature to achieve homeostasis. Appellant engaged in a four years course in Ćedicine, and due to past prior experience she was given credit and completed the course work in two and half years.

Appellant was not interested in using the Ćedicine modality in the United States, Appellant is interested in doing missionary work and uses all the acquired knowledge to help underprivileged people abroad. In July, 2014, when she received the Ćedicine license, the members of her church, including the pastor and his wife started to pray that Appellant would not leave the country as she planned, but open an office in Oak Harbor, WA.

Because Appellant's plan for 2014 was to leave for Chile to do missionary work, she was very busy closing her two offices and transferring her psychotherapy clients. After many prayers from church members and the pastor stating that "perhaps it was God's will" for Appellant to stay in Oak Harbor, and the Johnson's insistence, Appellant decided to stay and go into business with the Johnson's.

Appellant's research was to look at the Government USPTO, website, which gave the certification trademark for the school of Medicine and she took Hugh Johnson's assurance that he was an attorney and had checked everything and it was all good. Mr. Johnson told everyone including Appellant that "he was a lawyer". Perhaps because Appellant was busy and because Mr. Johnson was a church member; and the members also believed all that he said, that Appellant took his assurances and embarked in what turned out to be a nightmare.

In this unending nightmare Appellant is reaching out to a higher court to look into and unravel some of the ill-conceived charges and accusations and to restore Appellant's human rights, right of due process and protections under the law.

## ISSUES AND ASSIGNMENTS OF ERROR

1. Appellant's arrest violated her 14<sup>th</sup> amendment (*Article 11*) and 6<sup>th</sup> Amendment right to due process.

When Appellant was arrested her Six Amendment and Fourteenth Amendment (*Article 11*) right to due process were violated.

- A.** Standard of Review: Constitutional errors are reviewed de novo.

*McDevitt v. Harbor View Med. Or., Wn.2d, 316 P. 3d 469, 472 (Wash. 2013).*

2. Appellant was capriciously charged with RCW 18.130.180 (1).

Were Appellant's rights violated for an abuse of discretion, when she was charged with RCW18.130.180 (1)?

- B.** The court asserted that Appellant was charged with moral turpitude because of her "failure to disclose".

Did the Department of Health (DOH), the Administrative Court and Thurston Superior court, exceed their power in using RCW 18.130.180 (1)?

- C.** The Thurston County Superior Court declared that DOH used the worst code to describe Appellant's conduct.

3. Appellant's Request for Subpoenas of February 29, 2016 was not honored thus violating her 6<sup>th</sup> and 14<sup>th</sup> Amendment right to present a defense and to confront her accusers under art. I. § 22,  
An accused person has a constitutional right to present relevant admissible evidence. Did Presiding officer Kuntz violate Appellant's right to present a defense under the 6<sup>th</sup> and 14<sup>th</sup> Amendment and

Wash. Const. art. I, § 22, by excluding relevant admissible evidence?

**B.** In violation of the rules of evidence, Hearing officer Kuntz excluded Appellant's evidence without a request. RE 402.

**C.** In violation of the rules of evidence, the court excluded Appellant's exhibits upon AAG's request. This violated Appellant's right to present a defense under WA. Const. art. I, § 22, and 14<sup>th</sup> Amendment.

Did Judge Schaller violate Appellant's right under the 6<sup>th</sup> and 14<sup>th</sup> Amendment to present a defense?

Claims of ineffective assistance of counsel are reviewed de novo. *State v. White* 80 Wn. App 406, 410, 907 P. 2d. 310 (1995).

**D.** The Court erred in accepting the AAG's Index A; This Document is the conclusion of Johnson's Federal trial. This document was new evidence, not presented during the administrative trial.

**Decision to admit evidence for an abuse of discretion.** *State v. Fisher*, 165 Wn.2d 727, 202 P. 3d 937 (2009). *State v. Finch*, 137 Wn.2d 792,810, 975) **Appellant received infective assistance of Counsel by not addressing this point during the trial. The error was prejudicial**

**4.** The court erred in the number of people that were seen by appellant. The court declared that Appellant saw 9 people. The court was remised in reviewing the records.

**B.** The witnesses' testimonies were not given any weigh thus skewing the outcome of the hearing. Violation of 14<sup>th</sup> Amendment.

When the court negated the witnesses testimonies; was this act a further violation of Appellant' 14<sup>th</sup> Amendment right to due process?

5. Appellant continues to be accused of advertising herself as a State Licensed naturopath. Throughout these proceedings she has not been granted the opportunity to show how that accusation is incorrect and thus in violation of her 1<sup>st</sup> Amendment right.

**B.** Did the court err under RCW10.01.160 (3)?

6. The court errs in condemning Appellant by stating that she was not Mr. Johnson's victim but knew exactly what she was doing?

7. The court violated 1<sup>st</sup> Amendment Rights, impinging on her religious beliefs.

8. Were RCW 34.05.570 (b) (c) and (1) upheld by the court?

## STATEMENT OF FACTS AND PRIOR PROCEEDINGS

Standard of Review: Constitutional errors are reviewed de novo. *McDevitt v. Harbor View Med. Or. Wn.2d, 316 P. 3d 469, 472 (Wash. 2013).*

1. Appellant was arrested on February 17, 2015. The Oak Harbor police went to Appellant's office located at 31650 State Route 20 #1, Oak Harbor, WA 98277. Upon their arrival to the office, the police handed the receptionist a signed warrant. The police officers inquired as to whom else was in the office. The police were directed to Appellant's office. Upon entering the office, and before taking anything else, detective Jim Hoagland took Appellant's purse and emptied it on the counter. Detective Hoagland was asking Appellant many questions while he searched her purse. Other officers were searching the office room and taking many items. After approximately twenty (20) minutes the detective stated that he could use all of Appellant's statements against her, and knowing that, would she continue to talk. Appellant said that she would not continue to talk; at that very moment the detective got up from the counter where he was sitting, and proceeded to handcuff Appellant violating her 14<sup>th</sup> amendment's (Article 11) right to due process, and **6<sup>th</sup> Amendment:** "to be informed of the nature and cause of the accusation;"

**It appears that none of the courts have been concern about this breach of the constitution. The 14<sup>th</sup> Amendment clearly states that: "It is a rational continuum which, broadly speaking includes a freedom from all substantial arbitrary impositions and purposeless restraints..."** Who was Appellant placing in danger that she needed to be placed in custody that second? Appellant is 5' tall, soft spoken, restrained woman. Appellant did not say anything else. She did tell the detective that the handcuffs were hurting her wrist. Why were

such a severe measures taken? Was the police incapable of ascertaining Appellant's conduct? **DOH investigator Mitchell Anderson, at the same time that Appellant was being handcuffed, placed a letter in Appellant's pocket. When Appellant read the letter, later that day; it clearly states that "no charges were filed at this time" yet Anderson gave his consent for the arrest.**

In an abuse of power the police officers then paraded Appellant around the complex where her office was located. After being taken to the police barracks, Appellant was placed in an extremely cold cell. The air conditioner was cranked up and when Appellant advised the two officers that she was cold, the two officers laughed and threw a dirty, torn blanket on the floor. Is everyone who is arrested, subjected to abuse like this or just petit Latin old women like Appellant?

Appellant lived in Oak Harbor, went to church in Oak Harbor and her life revolved around Oak Harbor. Appellant inquires of this higher court: Is the "presumption of Innocence" not valid in Washington? What happened to the UN's Universal Declaration (Article 11) of Human Rights? Has the corner stone for the *New Law* been eradicated? Foundations such as the Justinian Codes (*Codex Justinianus*)? Or the English Common Law? Has the 14 Amendment been invalidated in the State of Washington? Or was it ever upheld in Washington State? It is obvious that Appellant has many questions.

**2.** Appellant was first charged by the Department of Health, (DOH) Counseling program, with being "Gullible"; this charge was changed to RCW 18.130.180 (1). Moral turpitude: *"Written opinions from the Board of Immigration Appeals (BIA) describe moral turpitude as a "nebulous concept," and one that "refers generally to conduct that shocks the public conscience as being inherently base, vile, or depraved, contrary to the rules of morality and the duties owed*

between man and man, either one's fellow man or society in general.” The person committing it should have had either an “evil intent” or been acting recklessly”.

When DOH Counseling Program charged Appellant with RCW18.130.180 (1); it was a shock, not only because of the definition in that Statue: *Moral turpitude refers to conduct which is inherently base, vile, or depraved*” but also because the BIA equates moral turpitude with evil intent. Moral turpitude had its origin in 1839 with the Immigration and Naturalization Board and it is still used to keep people out of the United States. Either before they come in or to deport someone that engages in a behavior that falls within the definition described by “moral turpitude”. See: Matter of Franklin, 20 I & N Dec. 867, 868 (BIA 1994). The BIA held that “evil intent is a requisite element for a crime involving moral turpitude”. *Matter of Serna, 20 I. &N. Dec. 579, 582 (BIA 1992)*. In the *Matter of Abreu-Semino, 12 I. & N. Dec. 775, 777* “crimes in which evil intent is not an element, No matter how serious the offense, how harmful the consequences, do not involve moral turpitude”. Furthermore in the *Matter of G-7 I & N Dec. 114. 118* it stated: **“it is in the intent that moral turpitude inheres”**

Appellant’s intent has always been to do good by others. Did DOH make this charge capriciously? In the *Matter of Abreu Semino, supra; Matter of R-supra*: the definition of moral turpitude was modified to require “both reprehensible act and **some degree of scienter, whether specific intent, deliberateness, willfulness, or recklessness**”. In the matter of *Khourn, 21 I.& N.* In all cases involving moral turpitude, it has been required that evil intent be demonstrated. Without exception all these cases: Silva-Trevino, 24, I&N Dec.687, 679 (2008) Matter of T. 2 I&N Dec. 22 (BIA 1944). state the same thing. The above definitions are so far removed from Appellant’s conduct that it hardly makes sense.

Appellant believed with all her heart, with every part of her being that the Medicine license was valid, after all, it was granted under the authority of the federal government. Appellant believed that she would be able to help people with the practice of Medicine. Why else would Appellant have placed all her money in an enterprise that would have, even the slightest possibility of not being legal? What could possibly compel her to lose her home and put her MFT license in jeopardy? Has DOH arbitrarily charged Appellant with moral turpitude? In Jan Knapik, Petitioner v. John Ashcroft, Attorney General Respondent, 384 F. 3d 84 (3d Cir. 2004) “moral turpitude include recklessness crimes if certain statutory aggravating factors are present. For example, the BIA limits moral turpitude to crimes in which a defendant consciously disregards a substantial risk of serious harm or death to another”. This definition is so far from Appellant’s behavior that the fact that DOH used it against Appellant, is chocking. Appellant is an exceptionally caring human being who recoils at the thought of anyone possibly being hurt, let alone hurting someone herself.

DOH placed Appellant’s MFT license on probation. As of this brief Appellant finished the required course, although none of the fines have been paid. In United States ex rel. Skladzien v. Warden of Eastern State Penitentiary, 45 F 2d 204 (RD. Pa. 1930) it was declared: “Thus we have acknowledged that the violation of status which merely license or regulate and impose criminal liability without regard to evil intent do not involve moral turpitude.” DOH never attempted to prove that Appellant had “evil intent”. In verity, that would have been impossible to prove because the evidence does not exist.

Appellant volunteered in the Rape Hotline at Cedar Sinai Hospital, she served for two years in the Suicide Hotline. She has been a spokes person in the community for the Department

of Corrections. She has several certificates of recognition for working with troubled youth in the public schools. She volunteered for Parents United for DCFS. Appellant goes out of her way to help other people. Appellant has never been accused of having had evil intent towards anyone ever. Nothing in the description of moral turpitude describes Appellant's conduct.

Appellant believes in doing good works. *In the Matter of Abreu-Semino, 12 I & N. Dec. 775, 777 (BIA 1968) (Concluding "crimes in which evil intent is not an element, no matter how serious the act or how harmful the consequences, do not involve moral turpitude")*. To use moral turpitude to describe Appellant could not be farther from the truth. The presiding officer during the administrative hearing (p.2 of findings of fact, Conclusions of law, and final order, 2<sup>nd</sup> paragraph) states "The Petitioner's (Appellant) intent is not a controlling factor"? (Ex. 1). It is clear that moral turpitude requires "evil intent". Is the Hearing Officer's statement a conclusion of LAW or is it an arbitrary and capricious label? This order needs to be reversed.

In charging Appellant with 18.130.180 (1) did DOH and the Courts exceed their power? *In the 17 I. & N. Dec. Matter of Flores 225, 227 (BIA 1980) "evil or malicious intent is said to be the essence of moral turpitude."* Charging the Appellant with moral turpitude was not only capricious and arbitrary but abusive. The courts or DOH did not make the slightest attempt to prove that the offense involved moral turpitude. *Cohen (1974) 11 Cal. 3d 416 [113 Cal. Rptr. 485, 521 P.2d 477]*. That is why this charge must be reversed.

**B.** The Thurston Court on, 1/26/2018, asserted that Appellant was charged with moral turpitude because of her "failure to disclose" (VRP 1/26/18 at 23 lines 17-18). Appellant is a transparent human being. She advised her clients that she was closing her psychotherapy practice. Initially Appellant was going on a mission

trip, she then decided to stay in Oak Harbor and all her clients were aware of all of Appellant's decisions. The clients' options were to be transferred to another Psychotherapist or to end their time with Appellant on or before December 30, 2014. Appellant believes that her first duty is to her clients, and their well being is uppermost in her mind. Moral turpitude in the *Matter of Flores*, 17 I&N Dec. 225, 227 (BIA 1980). Is stated as follows: "Moral turpitude has been defined as an act which is per se morally reprehensible and intrinsically wrong or malum in se." Appellant's conduct clearly does not fall within any of the defined boundaries of moral turpitude. a) Appellant believed that the Ñedicine license was real. b) Appellant closed all of her counseling files/clients. Some clients were transferred to other psychotherapist, and some just closed, as clients chose not to be transferred to another therapist. Appellant was intentional in avoiding any possible conflicts between her psychotherapy clients and a possible new venture. There was always a full disclosure to her clients. Where is the "failure to disclose" in these actions?

The court further asserts that Appellant was dishonest. Honesty is such an integral part of a psychotherapist how would she have conducted her business lacking honesty? Appellant has never had any issues with honesty and least of all "moral turpitude" issues. Appellant belongs to a race call "humans" and humans make mistakes. Appellant has paid a very high price for this mistake, to the point of becoming destitute. The angels in heaven, who are many times smarter than Appellant, were deceived by Satan!! How have DOH and the court arrived to this preposterous accusation? The question of honesty was never considered in the courtroom. The accusation of dishonesty has been brought against Appellant but it has never been proven. If Appellant would have made up the Ñedicine license or had known that something that the

federal government issued is not valid but still used it; that would be dishonest. This is not the case with Appellant.

The court stated “that any reasonable, fair minded person would know that they need a license” (VRP, 1/26/18) at 24, line 20; Appellant believed she had a license. Is the Court asserting that Appellant is not a reasonable, fair minded person? What about attorneys that deal in trademarks, they are not required to have a State license, they practice with a Federal license in all fifty States. Is it fair to conclude that those attorneys are not reasonable or fair minded? (VRP 1/26/18, at 18 line 15). The Judge also said “That does not mean that state law does not apply to you,” (VRP 1/26/18, at 21, lines 18-19). Throughout all her life, Appellant has never thought that the laws of the land do not apply to her. She has been an exemplary citizen. With these statements, the court has clearly demonstrated an abuse of discretion. The reasons stated for charging Appellant with moral turpitude, are not only not valid, but they do not apply to Appellant, thus it must be reversed.

C. The Thurston County Court asserted that the Administrative Court used the worse term possible to describe Appellant’s conduct. The judge also added that “she was unable to change that”. (VRP, 1/26/2018, at 23 lines 9-10) Since the court, in essence acknowledged that charging Appellant with 18.130.180 (1) was abusive, this charge needs to be reversed.

3. Appellant requested three (3) subpoenas of the Administrative Hearing officer. She made this request through a motion and on February 29, 2016, that motion was heard. The court agreed to send the subpoenas to Appellant for her to mail them. Those subpoenas were never issued. *Suppression by the State of evidence that is favorable to the defendant violates due*

*process. Brady v. Maryland, 373 U.S. 83, 87, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963).* Appellant first contacted the builders of the web-page that Whidbey Island Naturals used (Homestead (800) 986-0958) to advertise the services offered to potential clients and descriptions of Appellant and Mr. Johnson skills. Appellant requested a copy of the contract or a receipt or a note that would indicate who owned the website and who could access it. A couple of people that Appellant contacted at Homestead, said that they would send her a note stating who owned and could access the website or a copy of the contract; after many, many other calls and several e-mails, a supervisor finally got on the line and, said that unless Appellant had a subpoena they would not be able to release that information. Appellant was unable to open the site or do anything with it because Hugh Johnson was the owner. Since Appellant never received those subpoenas, she was never able to prove that point. This is a clear violation of the 6<sup>th</sup> Amendment right to due process. ...*decision to admit evidence for an abuse of discretion. State v. Fisher, 165 Wn.2d 727, 202 P. 3d 937 ( 2009).*

The second subpoena was requested by a witness so that she could use it for work and the third witness said she wanted one. See Index p 327-329. For this reason Appellant contacted the Hearing officer Kuntz to request three subpoenas. Appellant submitted the names and addresses of the three subpoenas requested. The hearing officer said that he would send Appellant the signed forms/subpoenas but it never happen. Request for subpoenas of February 29, 2016 was not honored thus violating Appellant 6<sup>th</sup> and 14<sup>th</sup> Amendment right to present a defense, and to confront her accusers under art. I. § 22, “to have compulsory process to complete the attendance of witnesses in his own behalf”.

An accused person has a constitutional right to present relevant admissible evidence. The subpoenas were never issued thus violating Appellant's right to due process to present a defense under the 6<sup>th</sup> and 14<sup>th</sup> Amendment and Wash. Const. art. I, § 22 "to have compulsory process to compel the attendance of witnesses..." Did the court capriciously exclude relevant admissible evidence? That is, Appellant was never able to prove that she was not involved in the building of the website.

*Standard of Review: Constitutional errors are reviewed de novo. McDevitt v. Harbor View Med. Or.Wn.2d, 316 P. 3d 469, 472 (Wash. 2013).*

**B.** In violation of the rules of evidence ER-106, during the Administrative hearing, Hearing Officer Kuntz excluded Appellant's exhibits, without being requested by AAG. (AVRP 1/26/18 at 11 lines 23 & 24, p12, lines 2 and 3). RE 402 "All relevant Evidence is admissible, except as otherwise provided by constitution, statute, and these rules or..." The AAG stated: "And with regard to those exhibits not included in the binder, those were actually portions of the Program's exhibits as well, so I understand that they were duplicative." (Lines 23-25). Officer Kuntz stated: Okay. (AVRP 1/26/2018, at 23), so motion to exclude is granted. Appellant did not hear the AAG ask for exclusion of the exhibits nor is such petition to exclude on the record. As it is to be expected, the exhibits were crucial to Appellant's defense. They were photo copies of the USPTO website where the school of Medicine is approved for a "Certification Trade Mark" (Ex 2-6) and these pages show where it states that it is a "Nationally approved license". Appellant needed to show those copies because even if she makes reference to the website, it is crucial to have this information in front of the Hearing officer/Judge. Violating the rules of evidence requires a reversal.

**C.** During the hearing held on 1/26/2018, the AAG requested of Judge Schaller to exclude the exhibits: The judge responded; (VRP 1/26/18 at 3, lines 21-23) “the court is prohibited from considering materials that are outside the agency record”. Id. RE 402 Violation of rules of evidence. All the materials presented by Appellant were part of the agency records. The AAG herself claimed, during the Administrative Hearing, that those records were “duplicative”. But during the trial of 1/26/18, she said that they were not “part of the record”. Which one was it? **Were the exhibits duplicative or not part of the record?**

The exhibits presented by Appellant during the 1/26/18, trial were originally submitted by appellant as far back as 2015. If they are not a part of the record, it means they were removed. Thus when the AAG in her motion to exclude the exhibits spells out (VRP 1/26/18 at- 4) what papers should be admitted by the court and on lines 3 – 5, she states that Appellant “fails to differentiate between documents gathered as part of an investigation and documents admitted into evidence...” When appellant submitted exhibits for the hearing, there were approximately 42+ pages submitted, these were exhibits of, yes, documents gathered as part of an investigation. Are not DOH’s exhibits, documents gathered in their investigation of Appellant?

Having Appellant’s exhibits excluded at both trials is a violation of Appellant’s right to due process under her 6<sup>th</sup> and 14<sup>th</sup> Amendments right to due process. It is an abuse of discretion. *State v. Fisher, 165 Wn.2d 727, 202 P. 3d 937 (2009).* This is a clear indication that the court failed to review this case thus, violating Appellant’s rights. It must be stated that this was a deliberate move to prevent Appellant from having her exhibits considered. Was this move intended to block Appellant’s evidences?

Standard of Review: Claims of ineffective assistance of counsel are reviewed de novo. *State v. White*, 80 Wn. App 406, 410, 907 P. 2d 310 (1995).

During the Administrative hearing Counsel was ineffective in not insisting that the exhibits remain as evidence, he just accepted what the Hearing Officer and the AAG said and offered no defense. (AVRP 10/17 2016 at -12- line 5). *Strickland v. Washington*, 466 U.S. 668, 687, 104 S. Ct. 2052, 80 L.Ed2d 674 1984) In excluding the exhibits the court abuse its discretion. *State v. Fisher*, 165 Wn.2d 727, 202 P. 3d 937 (2009). Appellant's attorney had never dealt with the Administrative Court and was not able to properly defend his client/Appellant. Appellant believes that the attorney could have questioned the court in regards to the exhibits but when asked for his input, he offered no argument in defense of his client.

**D.** The Thurston County Superior Court errs in accepting the AAG's Appendix A. The appendix was a the conclusion of Hugh Johnson's trial in the Federal Court. This document was new evidence, not presented during the administrative trial. (*Decision to admit evidence for an abuse of discretion. State v. Fisher*, 165 Wn.2d 727, 202 P. 3d 937 (2009). A trial court abuses its discretion when it bases its decision on manifestly unreasonable or untenable grounds). The federal court in that decision states: If Plaintiff (Mr. Johnson) "is licensed to use the mark (speaking of the Ñedicine trademark) he may, but he is not thereby licensed to practice medicine as the state defines that practice for the health and safety of its residents". (Ex 7 -P-3 lines 11-13).

Washington State DOH would have acted more transparent if they would have presented to the court their own decision in Mr. Johnson's case (Appendix A). The DOH **Stayed** Mr.

Johnson's case with a final order to cease and desist. Appendix #A. Mr. Johnson, who has opened illegal clinics in: Idaho, California, Oregon, Alaska and Washington (Exhibits 8-11) receives a stayed order from DOH. In contrast: Appellant had a clear record throughout her life along with a clear conscience, she is charged with RCW 18.130.180 (1). In short, Mr. Johnson has an extensive criminal record but he was never branded with RCW 18.130.180 (1). Is DOH showing capriciousness in their conduct towards Appellant?

**4.** The court erred in the number of people that were seen by Appellant. At the January 26, 2018, hearing, the Court affirmed (VRP 1/26/18, at 21, lines 17-18) that Appellant had seen nine (9) people but the record confirms that Appellant saw only five. On February 17, 2015, witnesses A and B (E. 12, 13) signed a declarations stating that they were treated by Hugh Johnson.

After Appellant presented the signed declarations of witnesses A and B the AAG submitted an amended order and that order was officially amended at the Administrative hearing held on February 29, 2016, the order acknowledged that witnesses A and B should not be included in the charges against Appellant but continue the list from witnesses C to G. Judge Schaller apparently missed that point while reviewing the court papers? Part of being human is that we all make mistakes. The telling part is that everything that the court or those associated to the court, say that can be deceptive, or misleading, is always regarded as a mistake. On the other hand, if Appellant makes a mistake is misconstrued as a calculated crime and not just a crime but, an all out "moral turpitude crime."

When the court err in overlooking the two declarations that clients A and B submitted to the police on 2/17/15, the court, by its action, is aggravating Appellant's case. Furthermore, it is a violation of Art. 1 Sec.22. Appellant was not present when the court reviewed the record and thus unable to contribute any information on her own behalf that could help. On the day of the trial the court had already reached a conclusion; nothing that Appellant could have argued at the 1/26/18, hearing could have made a difference. The judge read her conclusion which she prepared in advance.

Appellant learned, throughout these proceedings why the word dishonest was used a lot in the court room. During the trial the Court stated that: Appellant saw 9 clients and for that reason, she should have lost her MFT license. The court also said that Mr. Johnson did not lie to Appellant, that she knew what she was doing. Appellant is bewildered as to how the court arrived to those conclusions. The VRP now reads: Appellant saw a combination of 5 clients 9 times. Appellant demonstrated above that the statement made by the court, is not true. The record is very clear. The court continued to say that DOH used that statue [(18.130.180(1)] "based upon a finding of moral turpitude and dishonesty" id. the court has not shown any proof of moral turpitude or dishonesty. Neither of the two issues has been addressed by the courts.

**B.** The DOH subpoenaed witnesses for the administrative hearing of October 17, 2016. The witness's, all testified telephonically, in their testimonies, they all agree that Appellant did not represent herself to them as a Naturopath and certainly never as a doctor of medicine. During their testimonies, the witnesses all stated that they were looking for an alternative to medicine

and when they walked into Appellant's office, they did not believe they were walking into a doctor's office or a medical facility of any kind. They were all looking for an alternative to medicine.

Witness F testified from paperwork sent to her by the AAG (AVRP 10/16/16 at 107 lines 20 and 25). Witness F: (AVRP 10/16/16 at 110 lines 5-8). During the testimony the AAG insisted that the witness remember what happened during the visit to Whidbey Naturals. Witness F was reading from the paperwork; Appellant, however, never saw the content of the paperwork. Witness F was never able to describe the procedure that she participated in at Appellant's office. During any session, witnesses spent almost two hours with Appellant. Witness F said that she could not remember what she did with Appellant but she did remember what she read from what was written in the paperwork she received from DOH.

Witness E, in the course of her testimony was asked to testify the times that she met with Appellant. Witness E responded "that she saw Appellant once for sure but maybe 2 times." The AAG insisted that she had seen Appellant 3 times. Very unlikely that Appellant saw anyone 3 times in the short period that she had been in business; Appellant was not privy to the paperwork the witness was reading. As witness E reads the papers (AVRP 10/17/16, at 114, lines 1-25) she still refusing to believe what she reads.

Witness D: (AVRP 10/17/16 at 122 lines 14-18). Witness testifies that she was looking for an alternative to an allopathic doctor. After the AAG asks Witness D if she wanted to quit smoking, and the Witness answered yes (AVRP 10/17/16, at 123, lines 7-8). As a Psychotherapist, Appellant is qualified to treat smoking because it is a behavior and thus within

the realm of Appellant's MFT license. (AVRP 10/17/16, at 124 lines 11-25) witness D describes what took place during the session with Appellant and it had nothing to do with Naturopathy or worse Allopathic medicine. The AAG tried to question the witness about anxiety; again Anxiety is one of Appellant's specialties as a psychotherapist. Appellant has treated severe anxiety disorders even with Veterans. Nothing of what the witness described was even close to visiting a medical doctor or a naturopath. To note is the fact that Appellant would have referred client to a psychotherapist if needed.

The witness' testimonies were dismissed by Hearing Officer Kuntz (E 19, Final Order p-16, par 2.6) (Ex-12-13) except for the testimonies of the two (2) investigators who lied on the stand. Truth is always logical unlike lies: Witness investigator Miller said that, Appellant told her that she was a Naturopath. Why would Appellant say it to Ms. Miller and not to everybody else? Why would she be the only person that Appellant would offer to test her blood? The office did not have a way to test blood nor was it offered to anyone. Witness investigator Anderson testified that there were numerous complaints on Appellant (AVRP 10/17/16, at 65) findings of fact conclusions of law, final order in reality there were only 2 references concerning Appellant, the instance given by Attorney Johnston, which was not a complaint about Appellant but a complaint about Mr. Johnson. Mr. Johnston mentions Appellant one time.

The other complaint was an e-mail from a person working at Premera Insurance Company. She alleges that the e-mail was written by Appellant. This e-mail Appellant believes was changed but is unable to prove it. This woman came into play when Appellant approached Premera to ask if they would cover services for Ćedicine (Appellant believed her license was valid). The gentleman then requested an e-mail which Appellant submitted to him. He spoke

with Appellant and finally he submitted all the paperwork to his supervisor. She got on the phone and was angry because she said that Ćedicine was nothing and that she was going to report Appellant. She called Appellant “ignorant and stupid” and was very unkind. How would she have known about Ćedicine unless Appellant explained it to her? She contacted DOH and the Administrative Hearing officer chose to believe her as well. All the other witnesses’ testimonies presented during the administrative hearing in favor of Appellant were disregarded. (See Final Order p-16 par. 2.6.) id. At minimum the two DOH investigators testimonies should be impeach because they are false.

5. The DOH claims that Appellant advertised herself as a State Licensed naturopath. No matter how vehemently the DOH states it, it does not make it true. The Whidbey News Times article of 1/6/2015, was based on an interview given solely by Barbara Fragale and it does not say that Appellant is a naturopath; it does state that she is a doctor of natural medicine, which is also wrong because Appellant is a doctor of Natural Health. Since Appellant was not the one giving the statement, how can she be charged with that? If Appellant would have given the information she would have stated that she has a degree as a doctor of natural health (DNH) this is how it was listed on her business card and advertisement. Out of the one and half page article only two lines are dedicated to Appellant. In none of the advertising does it say that Appellant is a State Licensed Naturopath.

Has Appellant’s First amendment right been violated? *In Strang v. Satz, 884 F Supp. 504 (S.D. Fla. 1995). The Supreme Court Stated: Plaintiff has been holding himself out to the public as “Dr. Strang” and as an expert in the field of gerontology. Plaintiff holds a Ph.D. in neurobiology from Pacific Western University, which the parties agree is not an accredited*

*institution under the terms of Fla. Stat. § 817.567. The court **ORDERED and ADJUDGED that Florida Statute §817.567 be, and the same is hereby declared unconstitutional and violative of the First Amendment of the United States Constitution. The court concluded that [4] implicit is the assumption that there is a correlation between quality and governmental agency accreditation.***

**Under the 1<sup>st</sup> Amendment, Appellant has the right to list any and all her accomplishments.** Appellant business card shows that she is a DNH and N.D. (Doctor of Nedicine). Mr. Johnson's business cards stated that he was a certified Naturopath. DOH kept a copy of his business card and Appellant has provided many copies of her business cards. To be clear, anybody can be board certified in anything; including Dish Washing; being certified is not equal to having a license. Under Appellant's name it used to say N.D. The DOH continues to assert that Appellant advertised herself as a State licensed Doctor of naturopathy. That is just not true.

Appellant advertised herself as a licensed Doctor of Nedicine because that is what the federal certificate of registration authorized and she believed she was a licensed Doctor of Nedicine. The State of Washington through the AAG is violating not only Appellant's 1<sup>st</sup> Amendment right but her 14<sup>th</sup> and 6<sup>th</sup> Amendment rights. Has Appellant lost all of her right to due process under the First 1<sup>st</sup>, 6<sup>th</sup> and 14<sup>th</sup> Amendments? Appellant's right to due process have been violated from the beginning. Did the Hearing officer John Kuntz and Judge Christine Schaller purposefully violate Appellant 1<sup>st</sup> Amendment rights?

**B.** The Thurston County Superior Court Judge (VRP 1/26/18 at 22-23 lines 24-25, 1-2) speaking on the fine assessed to Appellant, stated: "under all of these circumstances it seemed high to me". However, that's not my job to insert my judgment for what was done". Appellant

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**Arely Jimenez, Amended Opening brief**

decided to bring her plight in front of a higher court that may be able to do something about removing the fine. **ACLU /Columbia Legal Services Report: Modern-Day Debtors: The Ways Court- Imposed Debts Punish People for Being Poor (February 2014). 18 Washington State Minority and Justice Commission, the Assessment and Consequences of Legal Financial Obligations in Washington State (2008).** Appellant has not work since February 17, 2015. Appellant was unable to work because of all the persecution she received from DOH.

DOH sent letters to all the Insurance companies with whom Appellant contracted. The insurance companies sent letters to Appellant terminating their contracts. DOH's actions violated Appellant's 14<sup>th</sup> Amendment Rights. For this reason DOH must compensate Appellant in some way. Appellant was so traumatized by all the events connected with this case that it was impossible for her to offer high quality services to anyone. All these trials generated high stress for Appellant, and that stress led to an illness of approximately one year. Appellant was diagnosed with Guillain Barre Syndrome which paralyzed her entire body, further hindering her ability to work. Appellant is still not working, so there is no relief in sight.

After completing the continuing education credits required by DOH, on March 22, 2018, Appellant's MFT licensed was taken off probation; contingent on the "specific terms of the 2017 final order." "The disciplining authority may bring a new action based on any alleged unprofessional conduct that is not specifically addressed in no. M2015-629, regardless of when such a conduct may have occurred." This could mean the results of this present hearing. The fines imposed have not been paid. The fines should be reversed and the charges dropped.

**6.** The court erred during the January 26, 2018, hearing when it stated that Appellant was "not really Mr. Johnson's victim". The court did not, in any empirical way, determine if

Appellant is a victim or if she went into a criminal venture hoping to fool people. Would appellant invest over \$20,000.00 (dollars) in an illegal business and hope to recuperate her money before the appropriate law agency found out and closed the business? It is preposterous to think that after living as a law abiding citizen all her life, Appellant would suddenly chose to break the laws of the state. Jeopardize her MFT license and her reputation in the community where she has been a role model for all; in hopes that she would not be caught? Agree to advertise on the internet, newspapers, the radio, flyers and wish not to be found out? Stand in front of her church members and friends knowing that she may someday face the consequences but hoping that it would not happen? Again Appellant reiterates the point **Truth is always logical.**

Appellant had a thriving counseling business. She had an office in Mount Vernon, WA. and an office in Whidbey Island. Appellant was planning to go as a missionary to Chile when the Johnson's asked her to open an office, she was reluctant to do it, until church members approached her and the pastor prayed with her, that Appellant made moves towards agreeing to start a new business and cancelled her missionary plans. Appellant holds the law in great regard, to do contrary to that, would not make sense to her at all. Appellant takes her relationship with God very seriously to do something illegal goes against all her beliefs and violates all that she stands for. It is preposterous to accuse Appellant of being dishonest or disingenuous. Appellant lives a transparent life. Appellant has never been accused of doing evil things to anyone or having ill feelings towards anyone. There are no bases for the court's statements. Certainly, no basis for the charge of "moral turpitude."

7. The fact that all of Appellant's actions are intertwined with her religious beliefs makes for a very poignant issue. All that Appellant teaches are philosophies put forth by the Bible and

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**Arely Jimenez, Amended Opening brief**

espoused by Appellant's religion. Any and all persecution that Appellant has suffered is most definitely directed to her religious beliefs. Cantwell v. Connecticut 310 U.S. 296, 304-407 "no one would contest the proposition that a State may not, by statute, wholly deny the right to preach or to disseminate religious views... A State Statute which forbids any person to solicit money or valuables for any alleged religious cause, unless a certificate therefore shall first have been secured from a designated official, who is required to determine whether such cause is a religious one and who may withhold his approval if he determines that it is not, is a previous restraint upon the free exercise of religion, and a deprivation of liberty without due process of law in violation of the Fourteenth Amendment." P.310 E.S. 304.

Freedom of religion is one of the greatest pillars of our Constitution and of our Country. This is an example of it: *Church of the Lukumi Babalu Aye v. City of Hialeah (1993)*. The Court considered whether ordinances passed by the city of Hialeah, Florida, banning animal sacrifice violated the Free Exercise Clause. Of course Washington state also makes provisions for that: Washington State Art 1 Sect 11; Provides: "Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion;" Further there are other religious organizations like Scientology that do give health evaluations and charge for it. They do advertise, as it should be under the First Amendment. See: *Gonzales v. O Centro Beneficente União do Vegetal (2006)*. The Court reviewed the appeals court's ruling in favor of O Centro Espírita Beneficente União do Vegetal (UDV), *Sherbert v. Verner (1963)*. *Church of the Lukumi Babalu Aye v. City of Hialeah (1993)*. In all these cases the state or City was found to be in violation of the First Amendment freedom of expression.

**8.** In making their decisions, the courts ignored RCW 34.05.570 (b)(i) “The validity of any rule may be determined upon petition ... when it appears that the rule, or its threatened application, interferes with or impairs or immediately threatens to interfere with the legal rights or privileges of the Petitioner...” This clause was not even addressed by the Superior court on the 1/26/18 appeal hearing. When Appellant questioned the court, in her brief, if the use of RCW 18.130.180 (1) was appropriate to describe Appellant’s conduct or if Appellant’s rights had been violated under the 1<sup>st</sup>, 6<sup>th</sup> and 14<sup>th</sup> Amendments; while the court stated that 18.130.180 (1) id. was not what she would have used, it did not address the violations to Appellant’s 1<sup>st</sup>, 6<sup>th</sup> and 14<sup>th</sup> Amendment rights.

Under RCW 34.05.570 (c) “it is further stated that the court should declare the rule invalid only if it finds that: the rule violates constitutional provision; the rule exceeds the statutory authority of the agency, the rule was adopted without compliance with statutory rule making procedure; or the rule is arbitrary and capricious.” Appellant asserts that her constitutional rights have been violated and that charges like RCW 18.130.180 (1) has been assigned arbitrarily and capriciously.

Did DOH and the court, both, violate Appellant’s constitutional right to due process by disregarding her rights under the 1<sup>st</sup>, 6<sup>th</sup>, and 14<sup>th</sup> Amendment and Art. 1 § 22 of Washington Constitution and RE 106 and ER 402 and RCW 34.05.570 (b)(i) and RCW 34.05.570 (c) and arbitrarily and capriciously assigning RCW 18.130.180 (1) to Appellant? Appellant’s rights have been violated!!

## CONCLUSION

This case is before this court because throughout these court proceedings, Appellant's right to due process under the First, Six and Fourteenth Amendment have been violated. By arresting Appellant without being informed as to the nature of the charges, is a clear violation of the constitution. The court acted capriciously and arbitrarily when Appellant was charged with 18.130.180 (1) the court and DOH abused their power. Administrative and superior courts, allowed for exclusion of Appellant's exhibit, this move was demoralizing because it robbed Appellant of the ability to show that her decisions were not just based on complete trust but that there was some compelling information that affirmed what Appellant heard from the Johnsons.

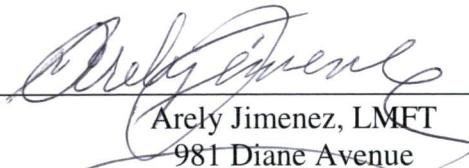
The courts ignored most of the witnesses' testimonies except for the testimony of those people who lied and of those who would have been impeached by a more competent attorney and a less bias judge. When the court violated the Rules of Evidence by admitting AAG's "Appendix A", it further plunged Appellant into a chasm of violations of her right to due process.

By stating that this experience can be likened to being thrown in an abyss, Appellant is not exaggerating in the least. Appellant 1<sup>st</sup> Amendment right were not even address by the court. The court was emboldened to continue to trample over Appellant religious rights. Since the two attorneys that Appellant hired, gave ineffective assistance none of the real issues could be fixed. Of course Appellant cannot represent herself as efficiently as an experience attorney would but at this point she has no other choice; Appellant is investing her time and trying to bring resolution to her plight. The superior court placed the final nail in the coffin when it stated, on the record that nothing could be done about the fine and about the 18.130.180 (1) charge. I pray that this court would be able to address all the wrongs that have been committed against Appellant.

Claims of ineffective assistance of counsel are reviewed de novo. Strickland v. Washington, 466 U.S. 668, 687, 104 S. Ct. 2052, 80 L.Ed2d 674 1984); In Re Personal Restraint of Rice, 118 Wn.2d 876, 888, 828 P. 2d. Counsel was unable to efficiently respond to the AAG and the judge's assertions with regard to the exhibits. Further, Counsel was not knowledgeable of the Administrative court proceedings and thus was infective in his representation, which in turn prejudiced Appellant's case. Appellant's effectiveness is also limited in that she is not fully knowledgeable of the law. For all the reasons stated, the DOH's ill attained conclusions should be reversed in its entirety.

Dated: May 28, 2018

Respectfully submitted:



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Arely Jimenez, LMFT  
981 Diane Avenue  
Oak Harbor, WA 98277

**Appendix #** A

#5

#51482-6-II A

FILED  
COURT OF APPEALS  
DIVISION II  
2018 MAY 30 PM 1:10  
STATE OF WASHINGTON

STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
SECRETARY OF HEALTH

In the Matter of \_\_\_\_\_  
DEPUTY  
CLARENCE HUGH JONSON

No. M2015-431

STIPULATED FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND AGREED  
ORDER TO CEASE AND DESIST

Respondent

The Unlicensed Practice Program (Program), by and through Alexander H. Lee, Department of Health Staff Attorney, and Respondent, represented by counsel, if any, stipulate and agree to the following:

**1. PROCEDURAL STIPULATIONS**

1.1 On August 28, 2015, the Program served on Respondent an Amended Notice of Intent to Issue Cease and Desist Order (Notice), which alleges that Respondent violated RCW 18.06.020, RCW 18.71.021, RCW 18.36A.030, and RCW 8.130.020(12)(a) and (b) by engaging in conduct constituting the unlicensed practice of acupuncture, naturopathy, and medicine.

1.2 Respondent understands that the State is prepared to proceed to a hearing on the allegations in the Notice.

1.3 Respondent understands that if the allegations are proven at a hearing, the Secretary of Health has the power and authority to issue a permanent Cease and Desist Order and impose a fine under RCW 18.130.190.

1.4 Respondent has the right to defend against the allegations in the Notice by presenting evidence at a hearing.

1.5 Respondent waives the opportunity for a hearing on the Notice provided that the Secretary of Health accepts this Stipulated Findings of Fact, Conclusions of Law, and Agreed Order to Cease and Desist (Agreed Order).

1.6 The parties agree to resolve this matter by means of this Agreed Order.

1.7 Respondent understands that this Agreed Order is not binding unless and until it is signed by the health law judge and served by the Adjudicative Clerk Office.

1.8 The Agreed Order is a public document and is subject to public disclosure.

5/29/18 - Motion to accept exhibit



ORIGINAL

1.9 If the Secretary of Health rejects this Agreed Order, Respondent waives any objection to the participation at hearing of the presiding officer who heard the Agreed Order presentation.

**2. FINDINGS OF FACT**

Respondent acknowledges the evidence is sufficient to justify the following findings of fact established in this Agreed Order:

2.1 Respondent does not currently hold a credential to practice as an acupuncturist, physician, or naturopathic physician in the state of Washington, and has never held such a credential.

2.2 Whidbey Naturals, Inc. (Whidbey Naturals) is a for profit corporation registered in the State of Washington. Respondent is the Chairman of the corporation.

2.3 As of December 18, 2014, Whidbey Naturals website, designed by Whidbey Naturals, advertised that Respondent was "Board Certified in Naturopathy" and that "Dr. Jonson" brings "extensive experience in Internal Medicine, Acupuncture, Pain Management, Trauma Relief for Veterans, and Diabetes Improvement tools and many other services."

2.4 Respondent has a criminal history including, but not limited to, unlawful practice of medicine without a license.

2.5 On or about January 19, 2015, Respondent issued a prescription for Promithegan, a legend drug, to Patient C.

2.6 On or about January 21, 2015, Respondent treated Patient B for lung congestion. Respondent issued a prescription for Erythromycin, a legend drug, to Patient B.

2.7 On or about January 23, 2015, Department of Health investigators arrived at Whidbey Naturals posing undercover as a couple interested in receiving care for fibromyalgia for the wife and post-traumatic stress disorder (PTSD) for their son.

2.8 Upon arrival of the investigators, Respondent's co-worker, (Respondent in Master Case No. M2015-453) represented herself as "Dr. Jimenez," "a naturopath," and introduced them to the Respondent. Respondent identified himself as "Dr. Jonson" "a naturopath and physician." He claimed to have gone to "medical school" and asserted he

*motion to accept exhibits*

*5/29/18*

*appendix A*

was "Chairman of the Department of Cardiology" at the "University of Medicine" in Connecticut.

2.9 On or about January 30, 2015, Respondent obtained, or caused to be obtained, a blood sample from Patient A.

2.10 On or about February 17, 2015, Respondent was arrested by Oak Harbor police for practicing medicine without a license.

2.11 On or about February 17, 2015, Whidbey Naturals was searched by law enforcement, and records for Patients A and B were obtained.

A. Patient A's records include an informed consent form authorizing Respondent to provide natural forms of medications and utilize "mainstream medicine" when required. Patient A's lab work identified Respondent as the submitting doctor with the abbreviation "ND" after his name. Patient A's records also contain a mission statement from Whidbey Naturals which provides:

"Dr. Jonson and Dr. Jimenez are Natural Pathic Physicians utilizing a Eastern as well as Western approach to patient care. Our modalities of treatment will include but not limited to diet, medications, dietary suppliments, physical therapy, accupuncture, and ultrasound treatments."

B. Patient B's records include the same informed consent form and mission statement described above.

2.12 Patient A's statement to the Oak Harbor Police Department indicated that he had a "number of visits with Dr. Jonson and was given medications i.e., two (2) bottles at this office for memory loss." Patient B's statement to police indicated that she was treated for "walking pneumonia" by Respondent and was given a prescription for an antibiotic.

2.13 On or about July 30, 2015, additional records for Patients D, E, F, and G were obtained from Oak Harbor police.

A. Patient D's records include the same informed consent form and mission statement described for Patients A and B. In addition, Patient D's lab work identified Respondent as the submitting doctor with the abbreviation "MD" after his name. Respondent rendered a

*motion to accept exhibits*

*5/29/18*

*Appendix A*

treatment plan involving "nature thyroid" and an order for "Thyroxine."  
Patient D's records also contain a mission statement from Whidbey  
Naturals which provides:

"Dr. Jonson and Dr. Jimenez are Natural Pathic Physicians utilizing a  
Eastern as well as Western approach to patient care. Our modalities  
of treatment will include but not limited to diet, medications, dietary  
supplements, physical therapy, acupuncture, and ultrasound  
treatments."

- B. Patient E's records include the same informed consent form and mission statement described for the patients above. In addition, an individualized treatment plan, dated December 23, 2014, indicates Respondent examined Patient E, including urine analysis and an assessment of reduced kidney function, including recommendation for weekly kidney function testing, and referral to Island Hospital Emergency room.
- C. Patient F's records include the same informed consent form and mission statement described for the patients above. Respondent examined Patient F, including urine analysis and rendered a diagnosis of "ureta deficiency."
- D. Patient G's records demonstrate that Respondent conducted urine analysis, reviewed Patient G's lab work, and conferred with Patient G's primary care provider. Patient G's lab work identified Respondent as the submitting doctor with the abbreviation "ND" after his name.

2.14 Respondent asserts that he is a properly licensed Doctor of Medicine pursuant to his status as a licensee of a certification mark from the American Medicine Licensing Board. He claims that his possession of a trademark document authorizes him to provide services as a Doctor of Medicine that may not be interfered with by the State of Washington.

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*Motion to accept exhibits*

*5/29/18*

*Appendix A*

**3. CONCLUSIONS OF LAW**

Respondent and the Program agree to entry of the following Conclusions of Law:

3.1 The Secretary of Health, acting through the presiding officer, has jurisdiction over Respondent and over the subject matter of this proceeding.

3.2 Respondent has engaged in the unlicensed practice of acupuncture, naturopathy, and medicine in violation of RCW 18.06.020, RCW 18.71.021, RCW 18.36A.030, and RCW 18.130.020(12)(a) and (b).

3.3 The above violations provide grounds for the issuance of a permanent Cease and Desist Order under RCW 18.130.190.

**4. AGREED ORDER**

Based on the Findings of Fact and Conclusions of Law, Respondent agrees to entry of the following Agreed Order:

4.1 Respondent shall permanently **CEASE AND DESIST** from engaging in any and all conduct constituting the practice of acupuncture, naturopathy, and medicine in the state of Washington, unless Respondent has first obtained the requisite health care credential or otherwise meets an exception.

4.2 Respondent acknowledges a civil fine in the amount of seven thousand dollars (\$7,000.00). Respondent agrees that he shall pay two thousand five hundred dollars (\$2,500.00) within twenty-four (24) months of the effective date of this Agreed Order and the remaining portion of the fine shall be stayed based on Respondent's compliance with the **CEASE AND DESIST** contained in this Agreed Order. The fine shall be paid by certified or cashier's check or money order, made payable to the Department of Health, and mailed to the Department of Health, Unlicensed Practice Program, PO Box 1099, Olympia, WA 98507-1099.

4.3 The effective date of this Agreed Order is the date the Adjudicative Clerk Office places the signed Agreed Order into the U.S. mail. If required, Respondent shall not submit any fees or compliance documents until after the effective date of this Agreed Order.

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*Motion to accept Exhibits*

*5/29/18*

*Appendix A*

5. ACCEPTANCE

I, CLARENCE HUGH JONSON, Respondent, have read, understand and agree to this Agreed Order. This Agreed Order may be presented to the Secretary of Health without my appearance. I understand that I will receive a signed copy if the Secretary of Health accepts this Agreed Order.



CLARENCE HUGH JONSON  
RESPONDENT

September 23, 2015  
DATE

\_\_\_\_\_  
WSBA #  
ATTORNEY FOR RESPONDENT

\_\_\_\_\_  
DATE

*Motion to accept exhibits*

*5/29/18*

*Annex A*