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

In the Matter of the Petition for Termination of Probation of: MICHAEL A. FRAGA License No. PSY 17169, Petitioner.	OAH No. N2003010039

DECISION

This matter was heard before the Board of Psychology of the State of California in San Francisco, California, on February 7, 2003. Board members present were: Pamela Harmell, Ph.D., President; William Tan, Vice President; Jacqueline Horn, Ph.D.; Ron Ruff, Ph.D., Mary Ellen Early; William Thomas, Ph.D.; Howard Adelman, Ph.D.; and Lisa Kalustian. Michael C. Cohn, Administrative Law Judge, State of California, Office of Administrative Hearings, presided.

Petitioner Michael A. Fraga was present and was represented by Frederick John Engbarth, Attorney at Law, 37 Old Courthouse Square, Suite 203, Santa Rosa, California.

David Carr, Deputy Attorney General, represented the Department of Justice, Office of the Attorney General.

The matter was submitted on February 7, 2003.

FACTUAL FINDINGS

1. On July 1, 1997, Michael A. Fraga, Psy.D., (petitioner) filed an application for registration as a psychologist. The Board denied that application because respondent had failed to disclose material facts on an earlier application for registration as a psychological assistant, because he had been convicted of a crime substantially related to the qualifications, functions and duties of a psychologist, and because he had used controlled substances and alcoholic beverages to an extent dangerous to himself or others. Petitioner requested a hearing and a Statement of Issues was filed. Following a hearing on February 19, 1998, in Case No. X-28, the Board issued a decision under which petitioner was granted a probationary registration effective October 22, 1998. Petitioner was placed on probation for five years upon specified terms and conditions.

2. On September 19, 2002, petitioner filed his Petition for Termination of Probation.

3. In addition to the standard probationary terms and conditions, petitioner was required to completely abstain from the use or possession of controlled substances, to abstain from the use of alcohol for two years, to submit to random biological fluid testing for two years, to complete at least one course each year in substance abuse, and to complete a course in law and ethics. Petitioner has complied with all these conditions. All random drug and alcohol tests were negative.

4. Although the period of petitioner's probation is scheduled to run until January 2004, he has established to the satisfaction of the Board that he has rehabilitated himself to the extent that it would not be against the public interest to end that probation early.

LEGAL CONCLUSIONS

Cause exists for early termination of petitioner's probation.

ORDER

The petition for termination of probation is granted. The probation imposed upon petitioner Michael A. Fraga in Case No. X-28 is terminated. Petitioner's license to practice psychology is fully restored.

DATED: March 7, 2003

DECISION EFFECTIVE: March 7, 2003

PAMELA HARMELL, Ph.D.
President, Board of Psychology
Department of Consumer Affairs