



STATE OF ARIZONA
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Complaint Screening Committee REGULAR SESSION MINUTES

January 15, 2020

1740 W. Adams St.
Conference Room C (1st Floor)
Phoenix, AZ 85007

1. CALL TO ORDER

The regular session of the Arizona Board of Psychologist Examiners Complaint Screening Committee was called to order by Madame Chair Shreeve at 8:30 a.m. on January 15, 2020. One Executive Session was held.

2. ROLL CALL

Committee Members Present

Tamara Shreeve, MPA – Chair

Lynn L. Flowers, Ph.D. (telephonic; left the meeting at 10:57 a.m.)

Diana Davis-Wilson, DBH, BCBA, Ph.D. (joined at 8:30 a.m. by phone; at 8:42 a.m. in person)

Attorney General's Office

Jeanne Galvin, Assistant Attorney General

Staff Present

Heidi Herbst Paakkonen, Executive Director

Jennifer Michaelsen, Deputy Director

Krishna Poe, Administrative Assistant

3. CASE DISCUSSION/DECISION

a. Carlos Jones, Ph.D., Complaint No. 20-13

Dr. Flowers summarized the case, including salient points of the investigation and pertinent records. The Complainant was present, made a statement and answered questions from the Committee members. The Licensee and his attorney, Faren Akins, Esq., were present, requested to speak, made a statement, and answered Committee members' questions.

After deliberation, Dr. Flowers made a motion, seconded by Dr. Davis-Wilson, to dismiss this matter as there are no violations of rule or statute. The motion carried unanimously (3-0), by a voice vote.

b. Joshua Kellison, Ph.D., Complaint No. 20-22

Dr. Davis-Wilson summarized the case, including salient points of the investigation and pertinent records. The Complainant was not present. The Licensee and the Licensee's attorney, Faren Akins, Esq., were present, requested to speak, made a statement and answered Committee members' questions.

After deliberation, Dr. Davis-Wilson made a motion to dismiss the complaint. There was not a second.

Dr. Flowers made a motion, seconded by Ms. Shreeve, to forward Complaint 20-22 to the Board for a possible violation of A.R.S. §32-2061(16)(h), for possibly failing or refusing to maintain and retain adequate business, financial or professional records pertaining to the psychological services provided to a client or patient, with a recommendation that the Board dismiss the complaint with a non-disciplinary letter of concern that addresses concerns regarding recordkeeping and electronic communication with patients. The motion carried (2-0), by a voice vote with Dr. Davis-Wilson opposing.

The Committee asked Dr. Kellison to provide a copy of his electronic communication policy that is provided to clients.

c. Gregory Waugh, Psy.D., Complaint No. 20-15

Dr. Flowers summarized the case, including salient points of the investigation and pertinent records. The Complainant was not present. The Licensee and the Licensee's attorney, Kraig Marton, Esq., were present and answered Committee members' questions.

The Committee expressed concern that Dr. Waugh maintained contact with a former client and that he offered the client temporary housing at his personal residence following the client's release from prison.

After deliberation, Dr. Flowers made a motion to forward Complaint 20-15 to the Board for a possible violation of A.R.S. §32-2061(16)(dd), for possibly violating an ethical standard adopted by the Board as it pertains to section 3.05 (Multiple Relationships) of the American Psychological Association's Ethical Principles of Psychologist and Code of Conduct. After further discussion, Dr. Davis-Wilson agreed to second the motion with a friendly amendment of possible violation of A.R.S. §32-2061(16)(dd) as it pertains to section 3.04 (Avoiding Harm). Dr. Flowers accepted the amended motion. The motion carried unanimously (3-0), by a voice vote.

The Committee requested that Dr. Waugh submit all of his written correspondence with the client for this case. Dr. Waugh stated that he no longer has the correspondence for this client or for any other client. Ms. Michaelsen indicated that she would follow-up with Dr. Waugh regarding the Committee's request for all correspondence.

d. Ashley Hart, Ph.D., Complaint No. 20-18

Dr. Flowers recused from the case and left the meeting. Dr. Davis-Wilson summarized the case, including salient points of the investigation and pertinent records. The Complainant was not present. The Licensee was not present.

After further deliberation, Dr. Davis-Wilson made a motion, seconded by Ms. Shreeve, to forward Complaint 20-18 to the Board for possible violations of A.R.S. § 32-2061(16)(h), for

possibly failing or refusing to maintain and retain adequate business, financial or professional records pertaining to the psychological services provided to a client or patient; and A.R.S. § 32-2061(16)(o), for possibly providing services that are unnecessary or unsafe or otherwise engaging in activities as a psychologist that are unprofessional by current standards of practice; The motion carried unanimously (2-0), by a voice vote.

e. **John DenBoer, Ph.D., Complaint No. 20-11**

Ms. Shreeve stated that the Board office received a request for a continuance from the Licensee's attorney, Mr. Arthur Eaves, Esq, for Complaint 20-11.

Dr. DenBoer and Mr. Eaves were present, made a statement regarding the continuance request and answered Committee members' questions. Mr. Eaves stated that Dr. DenBoer retained him last Thursday for this complaint. Dr. DenBoer would have retained Mr. Eaves much earlier but was unable to do so because he is financially bankrupt. In order to retain Mr. Eaves for this complaint, Dr. DenBoer's mother paid the retainer fee so that Mr. Eaves could be present with Dr. DenBoer today. Mr. Eaves stated that Dr. DenBoer's reason for not responding is not due to being irresponsible, but rather, he is undergoing extreme personal hardship. Mr. Eaves added that there are three additional complaints against Dr. DenBoer that will be reviewed by the Committee at some point in the future and that he does not see any issue with Complaint 20-11 being reviewed on the same date with the other three complaints. Mr. Eaves concluded that the four complaints are a concerted effort by Dr. DenBoer's business partners to bankrupt him, both financially and otherwise. Dr. DenBoer added that he would like to apologize to Board staff for not relaying the bankruptcy status and his reasoning for not submitting a response noting that the bankruptcy filing complicated his ability to retain legal representation.

Ms. Michaelsen provided clarifying information to the Committee regarding the status of Dr. DenBoer's response to Complaint 20-11. Ms. Michaelsen indicated that Dr. DenBoer's response to the complaint was initially due by November 12, 2019. On the due date, Dr. DenBoer requested a 30-day extension via email, which Ms. Michaelsen approved, making the new due date December 13, 2019. Ms. Michaelsen stated that Dr. DenBoer has not submitted a written response despite multiple emails inquiries regarding the status. Ms. Michaelsen relayed that Dr. DenBoer sent her an email on January 7, 2020, stating that he will submit the response very soon. Ms. Michaelsen added that she did not receive any further correspondence from Dr. DenBoer despite asking if he would be attending today's meeting. The Board office received Mr. Eaves' letter of representation and request for continuance yesterday afternoon. Ms. Michaelsen thanked Dr. DenBoer and Mr. Eaves for the information that they have shared with the Committee today but indicated that this information had not been relayed to Board staff previously.

At 10:32 a.m., Ms. Shreeve made a motion, seconded by Dr. Flowers, to go into Executive Session to receive confidential legal advice. Open session reconvened at 10:37 a.m.

The Committee took a break from 10:37 a.m. – 10:45 a.m.

After deliberation, Ms. Shreeve made a motion to grant Dr. DenBoer's continuance request and that Complaint 20-11 be presented before the Committee at its March 18, 2020 meeting along with Dr. DenBoer's other pending cases.

Dr. Davis-Wilson asked Dr. DenBoer if he is currently practicing. Dr. DenBoer replied no.

Dr. Davis-Wilson seconded Ms. Shreeve's motion. The motion carried unanimously (3-0), by a voice vote.

The Committee expressed to Dr. DenBoer the importance of communicating with Board staff and ensuring that communication with staff is made a priority by Dr. DenBoer throughout the complaint process.

f. Martin Gangle, Complaint No. T-20-02

Ms. Shreeve summarized the case, including salient points of the investigation and pertinent records. The complainant was anonymous. The Respondent was not present.

The Committee expressed concern that Mr. Gangle may possibly be holding himself out as a psychologist and had a previous complaint before the Board in 2014 for the same issue.

After deliberation, Ms. Shreeve made a motion, seconded by Dr. Flowers, to forward Complaint T-20-02 to the Board for possible violations of A.R.S. § 32-2084(A), for possibly engaging in the practice of psychology; A.R.S. § 32-2084(C)(1), for possible use of the designation "psychology", "psychological" or "psychologist" by a person not licensed pursuant to Chapter 32, Title 19 of the Arizona Revised Statutes; A.R.S. § 32-2084(C)(2), for possible use of any combination of words, initials and symbols that leads the public to believe the person is licensed to practice psychology in this state, by a person not licensed pursuant to Chapter 32, Title 19 of the Arizona Revised Statutes. The motion carried unanimously (3-0), by a voice vote.

4. ADJOURN

There being no further business to come before the Committee, Dr. Davis-Wilson made a motion, seconded by Ms. Shreeve, to adjourn the meeting. The motion carried (2-0) and the meeting was adjourned at 11:05 a.m.