

**BEFORE THE BOARD OF PSYCHOLOGIST EXAMINERS
FOR THE STATE OF ARIZONA**

In the Matter of:)	No. 23F-2305-PSY
Keever Czlapinski)	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER FOR REVOCATION
aka Keever Czlapinski-Firkus)	
Holder of License No. PSY-005463 for the Practice of Psychology in the State of Arizona (currently Summarily Suspended))	
Respondent)	

At its meeting on November 22, 2022, the Arizona Board of Psychologist Examiners (“Board”) conducted a meet and confer pursuant to A.R.S. § 41-1092.08(I) for purposes of considering and taking final action with respect to modifying the Findings of Fact, Conclusions of Law, and Recommended Decision of the Administrative Law Judge contained in the Administrative Law Judge Recommended Decision dated October 25, 2022. Keever Czlapinski, aka Keever Czlapinski-Firkus, (“Respondent”), holder of license number PSY-005463 was noticed but did not appear. The State was represented by Jeanne Galvin. Marc Harris, Assistant Attorney General, Licensing & Enforcement Section, served as the Board’s independent legal advisor.

Having reviewed the administrative record and the arguments of the State, the Board voted to adopt the Administrative Law Judge’s Findings of Fact paragraphs 1-7, including the sub-paragraphs, with the following corrections to typographical errors:

- A. Finding of Fact 5(f), page 4, line 13, STRIKE “his on” and replace with “on his”.
- B. Finding of Fact 6, page 6, line 22, STRIKE the first “Respondent”.

The Board voted to adopt Conclusions of Law 1-9 and 14-18 in their entirety. The Board voted to reject Conclusions of Law 10-13 as these refer to specific violations of the American Psychological Association’s “Ethical Principles of Psychologists and Code of Conduct.” These

1 Conclusions of Law finding Respondent in violation of the Ethical Code were rejected as the
2 State did not allege any ethical violations and did not present any evidence to support such
3 Conclusions.

4 The Board voted to adopt the Recommended Order.

5 **FINDINGS OF FACT**

6 1. Pursuant to A.R.S. § 41-1092.08(A), Administrative Notice is taken that on
7 January 24, 2022, the Board issued License No. PSY-005463 to Respondent. The license is set to
8 expire on May 31, 2023.

9 2. On August 25, 2022, the Board issued an ORDER FOR SUMMARY
10 SUSPENSION OF LICENSE in Case No. 23-05.

11 3. On August 30, 2022, the Board issued a COMPLAINT AND NOTICE OF
12 PUBLIC HEARING (“COMPLAINT”) setting the above-captioned matter for hearing at 8:30
13 a.m. on September 21, 2022. The COMPLAINT identified the issue for hearing as follows:

14 [T]o determine whether good cause exists to revoke, suspend or take any disciplinary
15 action set forth in statute at A.R.S. § 32-2081 *et seq.* or defined in the rules at A.A.C. R4-26-301
16 [against Respondent’s license].

17 The Board set forth specific factual allegations in the COMPLAINT, and based on those
18 allegations the Board charged Respondent with having committed unprofessional conduct as
19 defined by A.R.S. §§ 32-2061(16)(i), 32-2061(16)(j), 32-2061(16)(m), and 32-2061(16)(n).
20 Violations of the foregoing constitute grounds for discipline under A.R.S. § 32-2081(N)(1) and
21 A.A.C. R4-26-301.

22 4. On or about August 30, 2022, the Board referred the matter to the Office of
23 Administrative Hearings (“OAH”), an independent agency, for an evidentiary hearing on the
24 allegations outlined in the Board’s COMPLAINT.

25 **Hearing Evidence**

26 5. The Board presented the testimony of Jennifer Anne Michaelson and submitted

1 Exhibits 1-10 into the record. Respondent testified on his own behalf. The COMPLAINT was
2 also admitted into the record as its own exhibit. The substantive evidence of record is as follows:

3 **Respondent's Application**

4 a. On December 09, 2021, the Board received Respondent's application for licensure by
5 universal recognition.

6 b. As part of the application, Respondent affixed his signature to an attestation that reads,
7 in pertinent part, as follows:

8 Pursuant to A.R.S. Sections 32-2061, 32-2071.01 and 32-2081, any false or misleading
9 information in, or in connection with, any application may be cause for rejection of that
10 application, or probation, suspension, or revocation of your license.

11 I swear that the statements contained herein are true in every respect. I have not omitted
12 any information that might affect this application. I will conform to the standards of professional
13 conduct as defined in Arizona Revised Statute Section 32-2061 et seq., and the rules pertaining
14 thereto.

15 c. Respondent answered "yes" to Question 4 of the application, which reads:

16 *"Are you or have you been licensed or certified as a psychologist in any state (jurisdiction)*
17 *or by PSYPACT? If yes, list the state(s) and license number(s)."*

18 In response, Respondent disclosed that he held License No. PY10972 in Florida.
19 However, Respondent failed to disclose that he had previously been licensed as a psychologist in
20 Colorado from 2018 to 2021, and in Michigan from 2011 to 2016. Respondent also failed to
21 disclose that he held active License No. 3434 in Wisconsin since 2016, which expired September
22 30, 2023.

23 d. Respondent answered "no" to the following application questions:

24 (6) Has any state ever initiated disciplinary action against, or suspended or revoked your
25 professional license, certification, or registration?

26 (8) Are you currently under investigation or have you been found to have violated a

1 professional code of conduct by any jurisdiction?

2 (9) Have you ever been sanctioned or placed on probation by any jurisdiction?

3 (10) Are you currently awaiting trial, under indictment, have been convicted of, pled no
4 contest or guilty to any felony or a misdemeanor other than a minor traffic offense (a DUI is not a
5 minor traffic offense) or ever entered into a diversion program instead of prosecution, including
6 any convictions that have been expunged, pardoned or deleted? (If yes please include your
7 detailed written narrative of events, the status of resolution, or expected resolution date.
8 Additionally, submit a copy of any and all police records and court records.)

9 **Respondent's Work History**

10 e. On or about April 27, 2016, Respondent was issued his Certificate of Clearance by the
11 California Commission on Teacher Credentialing ("Commission"), which allowed him to work as
12 a certified teacher in the State of California. On September 12, 2021, the Commission revoked
13 Respondent's teaching credential due to misconduct pursuant to Education Code § 44421.

14 f. Per the Colorado January 22, 2021, ORDER OF SUMMARY SUSPENSION,
15 Respondent misrepresented his educational credentials on his August 25, 2018, Candidate
16 Application as well as on his September 19, 2018, Psychologist Application. Specifically,
17 Respondent falsely attesting to having a doctoral degree and falsely attesting to the number and
18 level of his professional licenses in other states. Respondent made the same misrepresentations in
19 subsequent renewal applications to the State of Colorado.

20 g. On June 13, 2022, Respondent was hired as a psychologist by Community Health
21 Associates ("CAA"), located in Yuma, AZ. On August 04, 2022, Respondent was terminated
22 from employment when it was discovered that his Colorado license to practice psychology was
23 summarily suspended on January 22, 2021, and subsequently revoked on December 2, 2021, due
24 to Respondent's application falsification and for providing services to a client without adequate
25 education and training to practice. On August 05, 2022, the Board was notified by CAA's
26 attorney. On August 08, 2022, the Board was further notified that on June 13, 2022, the Arizona

1 Health Care Cost Containment System (“AHCCCS”) Administration had terminated its provider
2 participation agreement with Respondent.

3 h. Respondent was employed by Talkspace during 2022. On August 30, 2022, and
4 September 06, 2022, Respondent conducted telehealth sessions with a patient located in
5 Gilbert, Arizona. Respondent was subsequently terminated from employment on an unknown
6 date.

7 **Respondent’s Criminal Record**

8 i. On July 19, 2019, Respondent plead nolo contendere to two counts of CAL. PENAL
9 CODE §§ 166(A)(4), Violation of a Restraining Order – a misdemeanor, and one count of 415(2),
10 Disturbing the Peace – a misdemeanor. Respondent was found guilty of all charges. On July 21,
11 2020, Respondent was only convicted of the Disturbing the Peace charge and sentenced to 3 days
12 in jail, 2 years’ probation, mental health counseling for no less than 3 times monthly for at least
13 90 days, \$150.00 for restitution, and \$220.00 in fines. A CRIMINAL PROTECTIVE ORDER
14 was also issued against Respondent that required him to stay a minimum of 100 yards away from
15 his victim.

16 j. On August 19, 2005, Respondent was convicted of violating Cal. Penal Code §§ 594(a)
17 and 594(b)(2), Vandalism – a misdemeanor. On November 03, 2012, Respondent’s record was
18 dismissed per CAL. PENAL CODE §1203.4.18.

19 k. On May 11, 2004, Respondent was convicted of violating one count of CAL. PENAL
20 CODE § 487(a), Grand Theft, a misdemeanor. Respondent was sentenced to 3 years’ probation
21 and \$220.00 in fines. On December 05, 2013, Respondent’s record was dismissed per CAL.
22 PENAL CODE §1203.4.

23 **Additional Evidence**

24 l. Respondent testified that he unintentionally omitted his Michigan and Washington
25 licenses from his Arizona application for licensure by universal recognition. Per Respondent, the
26 omissions were “careless errors” due to a “lack of attention to detail” and not an intent to deceive

1 the Board.

2 m. Regarding his criminal history, Respondent denied being convicted and insisted that he
3 had only been arrested due to “accusations,” and asserted his cases has been dismissed.

4 Respondent alleged that he did not understand “legalese” and let his attorney “handle” everything,
5 as he had not paid close attention to the proceedings against him and simply signed where he was
6 told.

7 n. As for his prior license revocations, Respondent denied wrongdoing and culpability and
8 instead alleged to be a victim of extraneous circumstances.

9 o. Respondent testified that he never applied or certification by the Commission.

10 6. In closing, the Board argued that in order to protect the public it had suspended
11 Respondent’s license to practice, and that based on the record their order should be affirmed and
12 Respondent’s license should be revoked. The Board argued that because Respondent had been
13 impeached on multiple occasions during his testimony, not only could his sworn statements not be
14 deemed credible but Respondent’s behavior gave credence to its concerns regarding his danger to
15 the public. Based on Respondent’s omissions, untruthfulness, convictions, loss of certifications
16 and licenses, and lack of accountability during the proceedings, the Board argued that its burden
17 of proof had been established and its request for revocation of Respondent’s license should be
18 granted by the Tribunal.

19 7. In closing, Respondent argued that a series of events outside of his control or
20 knowledge resulted in his Arizona license’s precarious position before the Board. Respondent
21 asked that no discipline be imposed against his license because he never intended to deceive or
22 defraud the Board.

23 CONCLUSIONS OF LAW

24 1. This matter lies within the Board’s jurisdiction under A.R.S. § 32-2061 *et seq.* and
25 was properly brought before the OAH for adjudication pursuant to Title 2, Chapter 19, Article 1,
26 of the Arizona Administrative Code.

1 2. The statutory scheme of the Board is to protect the health, safety, and welfare of
2 citizens by licensing and regulating the professions of Psychology and Behavior Analysis.

3 3. The Board bears the burden of proof and must establish cause to penalize
4 Respondent's license by a preponderance of the evidence.

5 4. “A preponderance of the evidence is such proof as convinces the trier of fact that
6 the contention is more probably true than not.” A preponderance of the evidence is “evidence
7 which is of greater weight or more convincing than evidence which is offered in opposition to it;
8 that is, evidence which as a whole shows that the fact sought to be proved is more probable than
9 not.”

10 5. In an Administrative Law Judge Decision, “[f]indings of fact shall be based
11 exclusively on the evidence and on matters officially noticed.”

12 6. A.R.S. § 32-2061(16)(i), defines unprofessional conduct, in part, as “committing a
13 misdemeanor involving moral turpitude...conviction by a court of competent jurisdiction or a
14 plea of no contest is conclusive evidence of the commission.

15 7. A.R.S. § 32-2061(16)(j), defines unprofessional conduct, in part, as “making a
16 fraudulent or untrue statement to the board or its investigators, staff or consultants.”

17 8. A.R.S. § 32-2061(16)(m), defines unprofessional conduct as “using fraud,
18 misrepresentation or deception to obtain or attempt to obtain a psychology license or to pass or
19 attempt to pass a psychology licensing examination or in assisting another person to do so.”

20 9. A.R.S. § 32-2061(16)(n), defines unprofessional conduct as “Unprofessional
21 conduct in another jurisdiction that resulted in censure, probation or a civil penalty or in the
22 denial, suspension, restriction or revocation of a certificate or license to practice as a
23 psychologist.”

24 10. The material facts in the case at bar are clear.

25 11. It is clear that Respondent lied by omission on Question 4 of his application
26 by failing to include his Colorado, Michigan, and Wisconsin license information.

1 12. It is clear that Respondent’s “No” answers to Questions 6, 8, 9, and 10 of the
2 application were all false. At the time of his application, Respondent knew that his Colorado and
3 Michigan licenses had been revoked. Respondent also knew that he had multiple criminal
4 convictions from May 11, 2004, August 19, 2005, and July 21, 2020. Moreover, Respondent
5 knew or should have known about the Commission’s revocation of his teaching credential on
6 September 12, 2021. Thus, the Board has established Respondent’s unprofessional conduct.

7 13. Therefore, the only issue in dispute is whether Respondent sufficient mitigating
8 evidence to overcome the Board’s credible and compelling evidence. This is an affirmative
9 defense that Respondent bears the burden to establish. Here, Respondent did not sustain his
10 burden. There is no evidence in the record that excuses or otherwise justifies Respondent’s
11 conduct. More importantly, the fact that Respondent was impeached as untruthful throughout the
12 proceedings, including his practice post license suspension by the Board, is a serious factor in
13 aggravation.

14 14. Accordingly, because the Board has established Respondent’s violations of A.R.S.
15 §§ 32-2061(16)(i), 32-2061(16)(j), 32-2061(16)(m), 32-2061(16)(n), and A.A.C. R4-26-301, by a
16 preponderance of the evidence, the Board has also established cause to discipline Respondent’s
17 professional license.

18 **ORDER**

19 Based on the foregoing, **IT IS ORDERED** that the August 25, 2022, Order for Summary
20 Suspension of License in Case No. 23-05 be upheld.

21 **IT IS FURTHER ORDERED** that License No. PSY-005463 for the Practice of
22 Psychology in the State of Arizona issued to Respondent Keverer Czlapinski-Firkus is
23 **REVOKED** under A.R.S. § 41-1092.08(L).

24 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

25 Respondent is hereby notified that he has the right to petition for a rehearing or review.
26 Pursuant to A.R.S. §41-1092.09, as amended, the petition for rehearing or review must be filed

1 with the Board's Executive Director within thirty (30) days after service of the Order. Pursuant to
2 A.A.C. R4-26-308, the petition must set forth legally sufficient reasons for granting a rehearing.
3 Service of the Order is effective five (5) days after date of mailing. If a motion for rehearing is not
4 filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to the
5 Respondent. Respondent is further notified that the filing of a motion for rehearing is required to
6 preserve any rights of appeal to the Superior Court.

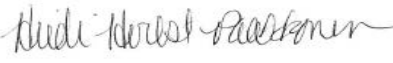
7

8 DATED this 22 day of November 2022

9

Arizona Board of Psychologist Examiners

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11 By: 
12 Heidi Herbst Paakkonen, M.P.A.
13 Executive Director

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14 **ORIGINAL** of the foregoing filed electronically
15 this 22 day of November 2022, with:

15

16 Office of Administrative Hearings
17 1740 West Adams
18 Phoenix, AZ 85007

16

17

18 **COPY** of the foregoing mailed by USPS regular mail & certified mail # 70212720000061790486
19 this 22 day of November 2022, to:

19

20 Keever Czlapinski-Firkus
21 Address of Record
22 Respondent

20

21

22 **COPY** of the foregoing sent via email
23 this 22 day of November 2022, to:

22

24 Jeanne Galvin
25 Assistant Attorney General
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By: Jennifer Michaelson

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