

1 **BEFORE THE BOARD OF PSYCHOLOGIST EXAMINERS**

2 **FOR THE STATE OF ARIZONA**

ORIGINAL

3 In the Matter of)

4 **James Allender, Ph.D.,**)

5 Holder of License No. 1140)
6 for the Practice of Psychology)

No. 00-20

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND DECREE OF CENSURE**

7 On February 3, 2001, James Allender, Ph.D. ("Respondent") appeared with his attorney,
8 Charles Buri, for an Informal Interview before the Arizona Board of Psychologist Examiners
9 ("Board"). The proceedings in this matter are governed by A.R.S. §§ 32-2081 and 32-2082.
10 Following interview of Respondent, discussion of the information and documents presented, and full
11 deliberation, the Board adopted the following Findings of Fact, Conclusions of Law, Decree of
12 Censure.

13 **FINDINGS OF FACT**

14 1. Respondent is the holder of license number 1140 for the practice of psychology in the
15 State of Arizona.

16 2. The Board has the authority to hold an informal interview pursuant to A.R.S. § 32-
17 2081(F). After an informal interview, the Board may take action pursuant to A.R.S. § 32-2081(F),
18 (G) and (H).

19 3. On or about June 29, 1999, in the municipal court of Tucson, Arizona, Respondent
20 entered a plea of no contest to a violation of A.R.S. § 13-2905(A)(1). (Loitering. A. A person
21 commits loitering if such person intentionally: 1. Is present in a public place and in an offensive
22 manner or in a manner likely to disturb the public peace solicits another person to engage in any
23 sexual offense.) Loitering pursuant to A.R.S. § 13-2905(A)(1) is a class 3 misdemeanor. A.R.S. §
24 13-2905(B). The Board finds that A.R.S. § 13-2905(A)(1) is a misdemeanor of moral turpitude.
25 Respondent's plea of no contest to a violation of A.R.S. § 13-2905(A)(1) is conclusion evidence of
26 commission of a misdemeanor involving moral turpitude.

27
28 ///

1 **CONCLUSIONS OF LAW**

2 1. The Board of Psychologist Examiners of the State of Arizona possesses jurisdiction
3 over the subject matter and James Allender, Ph.D.

4 2. The conduct and circumstances described above constitute unprofessional conduct
5 pursuant to A.R.S. § 32-2061(A)(13)(i) (Commission of a misdemeanor involving moral turpitude.
6 A plea of no contest is conclusive evidence of the commission.)

7 **ORDER**

8 Based upon the foregoing Findings of Fact and Conclusions of Law, IT IS HEREBY
9 ORDERED issuing Respondent a decree of **censure**.

10 **NOTICE: In order to be eligible for judicial review pursuant to Title 12,**
11 **Chapter 7, Article 6, you are required to exhaust your administrative remedies**
12 **by filing a motion for rehearing or review within thirty days after service of**
13 **these Findings of Fact, Conclusions of Law and Order of Probation. Pursuant**
14 **to A.R.S. § 41-1092.09(B), you are notified that failure to file a motion for**
15 **rehearing or review within thirty days after service of these Findings of Fact,**
16 **Conclusions of Law and Order of Probation has the effect of prohibiting you**
17 **from seeking judicial review of the Board's decision. Service is complete on**
18 **personal service or five days after the date these Findings of Fact, Conclusions**
19 **of Law and Order of Probation are mailed to your last known address.**

*Decree of
Censure
mm*

20 Dated this 16th day of February, 2001.

21 ARIZONA BOARD OF
22 PSYCHOLOGIST EXAMINERS

23 *Maxine McCarthy*
24 By: MAXINE McCARTHY
25 Executive Director
26 1400 W. Washington, Suite 235
27 Phoenix, Arizona 85007

28 **COPY** of the foregoing mailed by
certified mail, return receipt requested
this 16th day of February 2001

James Allender, Ph.D.
Address of Record

COPY of the foregoing mailed this
16th day of February 2001 to:

Charles Buri
Freidl Richter & Buri
6909 E. Greenway Parkway, Suite 200
Scottsdale, Arizona 85254
Attorneys for Dr. Allender

1 **COPY** of the foregoing mailed by interagency mail
this 16th day of February 2001 to:

2 Nancy J. Beck
3 Assistant Attorney General
4 Office of the Attorney General, Civ/LES
5 1275 W. Washington
6 Phoenix, Arizona 85007
7

8 *Jane Lucas*
9 _____
#933087

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **BEFORE THE BOARD OF PSYCHOLOGIST EXAMINERS**

2 **FOR THE STATE OF ARIZONA**

ORIGINAL

3 In the Matter of)

No. 00-20

4 **James Allender, Ph.D.,**)

**ORDER DENYING REQUEST FOR
REHEARING OR REVIEW;
ORDER CORRECTING
CLERICAL ERRORS**

5 Holder of License No. 1140)
6 for the Practice of Psychology)

7 On April 6, 2001, James Allender, Ph.D. ("Respondent") appeared before the Board of
8 Psychologist Examiners ("Board") with his attorney, Charles Buri, for oral argument on his Request
9 for Rehearing or Review of the Findings of Fact, Conclusions of Law, and Decree of Censure issued
10 February 16, 2001. After considering the arguments of Respondent and his attorney, and the
11 information and documents presented, IT IS ORDERED denying the Request for Rehearing or
12 Review.

13 IT IS FURTHER ORDERED correcting the following clerical errors in the Findings of Fact,
14 Conclusions of Law, and Decree of Censure: on page 1, line 25: the word "conclusion" is substituted
15 for "conclusive;" on page 2, lines 10- 14: the phrase "Decree of Censure" is substituted for "Order
16 of Probation."

17 Dated this 26th day of April, 2001.

18 ARIZONA BOARD OF
19 PSYCHOLOGIST EXAMINERS

20 *Maxine McCarthy*
21 By: MAXINE McCARTHY
22 Executive Director
23 1400 W. Washington, Suite 235
24 Phoenix, Arizona 85007
25
26

1 **COPY** of the foregoing mailed by
certified mail, return receipt requested
2 this 26th day of April 2001

3 James Allender, Ph.D.
Address of Record
4

5 **COPY** of the foregoing mailed this
26th day of April 2001 to:

6 Charles Buri
7 Freidl Richter & Buri
6909 E. Greenway Parkway, Suite 200
8 Scottsdale, Arizona 85254
Attorneys for Respondent
9

10 **COPY** of the foregoing mailed by interagency mail
this 26th day of April 2001 to:

11 Nancy J. Beck
Assistant Attorney General
12 Office of the Attorney General, Civ/LES
1275 W. Washington
13 Phoenix, Arizona 85007
14
15
16

17 *Diane M. Lucas*
338387

18
19
20
21
22
23
24
25
26