





1 **FINDINGS OF FACT**

2 10. On or about May 4, 2012, the Board held an Informal Interview with  
3 Respondent regarding the above-captioned matter. Respondent appeared personally  
4 and with his legal counsel, Larry J. Cohen. At the conclusion of the Informal  
5 Interview, the Board voted to issue Respondent an Order of Discipline. On June 7,  
6 2012, the Order was issued and pursuant to that Order, in part, Respondent's license to  
7 practice psychology was placed on probation for a minimum period of 12 months; he  
8 was ordered to secure a Practice Monitor to assist him in understanding the issues  
9 surrounding multiple relationships and forensic psychology; Respondent was also  
10 ordered to complete an additional 12 hours of continuing education and to perform 40  
11 hours of community service.  
12

13  
14 11. On or about September 7, 2012, Larry J. Cohen, legal counsel to Dr. Cherry,  
15 notified the Board in writing that his client is unable to comply with the June 7, 2012,  
16 Order due to "financial reasons and because of pressing family issues" and therefore,  
17 requested that he be allowed to surrender his license.  
18

19 **CONCLUSIONS OF LAW**

20 12 The conduct and circumstances described above and as set forth in the  
21 Findings of Fact constitute unprofessional conduct pursuant to A.R.S. § 32-  
22 2061(13)(aa) – violating a formal board order, consent agreement, term of probation or  
23 stipulated agreement issued by the Board due to an inability to comply with the terms  
24 and conditions as a result of financial and personal circumstances.  
25  
26

ORDER

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2       13     Based upon the foregoing Findings of Fact and Conclusions of Law, the parties  
3 agree to the following:

4       14     **Upon the effective date of this Consent Agreement for Voluntary**  
5 **Surrender, Respondent's license (#3520) for the practice of psychology in the**  
6 **State of Arizona shall be surrendered.** Once the surrender is effectuated,  
7 Respondent shall not practice psychology in the State of Arizona or hold himself  
8 out as a licensed psychologist in the State of Arizona. The effective date of this  
9 Consent Agreement for Voluntary Surrender is the date the Consent Agreement for  
10 Voluntary Surrender is accepted by the Board as evidenced by the signature of the  
11 Board's Executive Director. Respondent shall surrender the original of his license to  
12 the Board within 7 business days of the effective date of this Consent Agreement.

13       15     Respondent has read and understands this Consent Agreement for  
14 Voluntary Surrender as set forth herein, and has had the opportunity to discuss this  
15 Consent Agreement for Voluntary Surrender with an attorney or has waived the  
16 opportunity to discuss this Consent Agreement for Voluntary Surrender with an  
17 attorney. Respondent voluntarily enters into this Consent Agreement for Voluntary  
18 Surrender for the purpose of avoiding the expense and uncertainty of an administrative  
19 hearing.

20       16     Respondent understands that he has a right to a public administrative  
21 hearing concerning each and every allegation set forth in the above-captioned matter,  
22 at which administrative hearing he could present evidence and cross-examine  
23 witnesses. By entering into this Consent Agreement for Voluntary Surrender,  
24 Respondent freely and voluntarily relinquishes all rights to such an administrative  
25 hearing, as well as all rights of rehearing, review, reconsideration, appeal, judicial  
26 review or any other administrative and/or judicial action, concerning the matters set

1 forth herein. Respondent affirmatively agrees that this Consent Agreement for  
2 Voluntary Surrender shall be irrevocable.

3 17 Respondent understands that this Consent Agreement for Voluntary  
4 Surrender, or any part thereof, may be considered in any future disciplinary action  
5 against him or in any future decision regarding re-licensure.

6 18 The parties agree that this Consent Agreement for Voluntary Surrender  
7 constitutes final resolution of this disciplinary matter.

8 19 Time is of the essence with regard to this agreement.

9 20 Respondent understands that this Consent Agreement for Voluntary  
10 Surrender does not constitute a dismissal or resolution of other matters currently  
11 pending before the Board, if any, and does not constitute any waiver, express or  
12 implied, of the Board's statutory authority or jurisdiction regarding any other pending  
13 or future investigation, action or proceeding. Respondent also understands that  
14 acceptance of this Consent Agreement for Voluntary Surrender does not preclude any  
15 other agency, subdivision or officer of this state from instituting other civil or criminal  
16 proceedings with respect to the conduct that is the subject of this Consent Agreement  
17 for Voluntary Surrender.

18 21 Respondent understands that the foregoing Consent Agreement for  
19 Voluntary Surrender shall not become effective unless and until adopted by the Board  
20 of Psychology and executed on behalf of the Board. Any modification to this original  
21 document is ineffective and void unless mutually approved by the parties in writing.

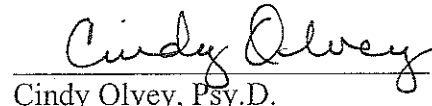
22 22 Respondent understands that this Consent Agreement for Voluntary  
23 Surrender is a public record that may be publicly disseminated as a formal action of  
24 the Board.

25  
26 DATED this 11<sup>th</sup> day of October 2012.

1 ARIZONA BOARD OF  
2 PSYCHOLOGIST EXAMINERS

3   
4 Eugene S. Cherry, Ph.D.

5 Licensee

  
Cindy Olvey, Psy.D.  
Executive Director

6  
7 **ORIGINAL** of the foregoing filed

8 this 3<sup>rd</sup> day of October, 2012 with:

9 The Arizona State Board of Psychologist Examiners  
10 1400 West Washington, Suite 235  
Phoenix, Arizona 85007

11 **COPY** of the foregoing mailed regular and  
12 Certified mail No. 70092250000111488299

13 this 3<sup>rd</sup> day of October, 2012 to:

14 Eugene S. Cherry, Ph.D.  
15 Address of Record

16 **COPY** of the foregoing sent regular mail

17 this 3<sup>rd</sup> day of October, 2012 to:

18 Larry J. Cohen  
19 The Cohen Law Firm  
20 P.O. Box 10056  
21 Phoenix, Arizona 85064

22 **COPY** of the foregoing interagency mailed

23 This 3<sup>rd</sup> day of October, 2012 to:

24 Jeanne M. Galvin  
25 Assistant Attorney General  
26 Arizona Attorney General's Office  
1275 W. Washington - CIV/LES  
Phoenix, AZ 85007