

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

3
4 In the Matter of)
)
5 Michael L. German, Ph.D.)
)
6 Holder of License No. 890)
for the Practice of Psychology)
7 in the State of Arizona)
)
8

Case No. 10-33

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER FOR DECREE OF
CENSURE

9 On October 28, 2011, the Arizona Board of Psychologist Examiners (“Board”) held an Informal
10 Interview in Case No. 10-33 regarding Michael L. German Ph.D. (“Licensee”). Dr. German was
11 present at the proceedings with his attorney, Mr. John P. Ager. At the conclusion of the Informal
12 Interview, the Board voted to issue Licensee a Decree of Censure.

13 **JURISDICTION**

- 14 1. The Board is authorized to regulate the practice of psychology in Arizona pursuant to
15 A.R.S. § 32-2061, *et seq.*
- 16 2. Licensee is the holder of license number 890 for the practice of psychology in Arizona.
- 17 3. The Board has personal and subject matter jurisdiction over Licensee pursuant to
18 A.R.S. § 32-2061, *et seq.*
- 19 4. The Board adopts the Findings of Fact, Conclusions of Law and Order set forth below.

20 **FINDINGS OF FACT**

- 21 5. On October 29, 2009, Dr. German was appointed as the Therapeutic Interventionist by
22 the Superior Court of Arizona, Maricopa County (Case No. FC 2004-090467). Dr. German was to
23 perform duties as the Therapeutic Interventionist in the case involving D.B. and M.L. Dr. German’s
24 appointment as Therapeutic Interventionist was for twelve (12) months unless otherwise ordered by the
25 Court.
- 26 6. Dr. German had not entered into a Therapeutic Interventionist role for the Court in
27 Maricopa County prior to this appointment.
- 28 7. Dr. German has conducted numerous custody evaluations for the courts in Pima
County.
8. On December 2, 2009, Dr. German interviewed D.B.

1 9. On December 8, 2009, Dr. German interviewed M.L.

2 10. On January 21, 2010, Dr. German again interviewed D.B.

3 11. Dr. German requested that M.L. allow a supervised visit between the minor child and
4 D.B. Dr. German made the request in order to provide to the court insight on how D.B. interacted with
5 the minor child. M.L. refused to allow the supervised visitation.

6 12. On February 11, 2010, Dr. German wrote a letter to the Court seeking guidance since
7 M.L. was refusing to allow a supervised visit between D.B. and the minor child. D.B.'s request for this
8 evaluation was for in a separate custody case in Pima County.

9 13. Dr. German never formally resigned from his role as the Therapeutic Interventionist for
10 the case involving D.B. and M.L., nor was he removed as Therapeutic Interventionist by the Court.

11 14. On March 18, 2010, the Court considered Dr. German's February 11, 2010,
12 correspondence and ordered D.B. to undergo a psychiatric evaluation for the case involving D.B. and
13 M.L. The court did not release Dr. German from his role as Therapeutic Interventionist.

14 15. At DB's request for another custody case, on April 30, 2010, Dr. German evaluated
15 D.B. independent of his role as the Therapeutic Interventionist.

16 16. On May 18, 2010, Dr. German wrote his report of D.B. for the second case.

17 17. Subsequently, D.B. has utilized Dr. German's report in another Court matter involving
18 A.S.

19 **CONCLUSIONS OF LAW**

20 18. The conduct and circumstances described above constitutes unprofessional conduct
21 pursuant to A.R.S. §32-2061(A)(13)(dd) – violating an ethical standard adopted by this Board, relating
22 to the American Psychological Association Ethics and Psychologist Code of Conduct (2002) section
23 3.05(a) – A multiple relationship occurs when a psychologist is in a professional role with a person and
24 (1) – at the same time is in another role with the same person.

25 **ORDER FOR DECREE OF CENSURE**

26 Based upon the foregoing Findings of Fact and Conclusions of Law, the parties agree as follows:

27 19. Licensee is hereby issued a **Decree of Censure** regarding the violation of A.R.S. §32-
28 2061(A)(13)(dd) as it relates to the American Psychological Association Ethics and Code of Conduct
3.05(a).

1 DATED this 14th day of February, 2012.

2
3 **STATE OF ARIZONA BOARD OF
PSYCHOLOGIST EXAMINERS**

4
5 BY: *Cindy Olvey*
6 Dr. Cindy Olvey
Executive Director

7 2/14/12
8 Date

9 ORIGINAL of the foregoing filed this

10 14th day of February, 2012, with:

11 The Arizona State Board of Psychologist Examiners
12 1400 West Washington, Suite 235
13 Phoenix, Arizona 85007

14 COPY mailed by Certified Mail #70092250000111488213
15 No.

this 14th day of February, 2012, to:

16 Michael L. German, Ph.D.
17 Address of Record

18 COPY of the foregoing mailed by regular mail
19 this 14th day of February, 2012, to:

20 John P. Ager
21 Sandweg & Ager
1221 East Osborn Road, Suite 100
22 Phoenix, AZ 85014-5540

23 COPY of the foregoing mailed by interagency
24 this 14th day of February, 2012, to:

25 Jeanne Galvin, Esq.
26 Office of the Attorney General
1275 West Washington, CIV/LES
27 Phoenix, Arizona 85007

28 By: *Heather D. Davis*