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BEFORE THE BOARD OF PSYCHOLOGIST EXAMINERS
FOR THE STATE OF ARIZONA

In the Matter of)

No. 04-22

David E. Pool, Psy.D.)

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER**

Holder of License No. 3302)
for the Practice of Psychology)
in the State of Arizona)

On August 6, 2004, David E. Pool, Psy.D. (Licensee) appeared for an Informal Interview before the Arizona Board of Psychologist Examiners ("Board"). After interviewing the Licensee, based on the information presented, the Board adopted the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. David E. Pool, Psy.D. (Licensee) is the holder of License No. 3302 for the practice of psychology in the State of Arizona.
2. The Arizona Board of Psychologist Examiners has the authority to hold an informal interview pursuant to A.R.S. § 32-2081(F). After an informal interview, the Board may take action pursuant to A.R.S. § 32-2081(F)(G) and (H).
3. In August, 2003, Licensee conducted an evaluation and testing on complainant's son, "D".
4. After paying Licensee \$1,250.00 for the evaluation, complainant learned that insurance would pay a portion of the fee which complainant had paid to Licensee and would send the reimbursement check in the amount of \$720.00 to Licensee.
5. On December 23, 2003, the insurance company mailed the \$720.00 reimbursement check to Licensee.
6. In January, 2004, Licensee cashed the \$720.00 reimbursement check.
7. Despite numerous requests from complainant, Licensee failed to return the \$720.00 reimbursement fee to her.

1 8. Complainant filed a complaint against Licensee with the Board of Psychologist Examiners dated
2 May 21, 2004 regarding Licensee's failure to return the \$720.00 fee. Complainant faxed a copy of the
3 complaint to Licensee at the same time that she mailed the complaint to the Board of Psychologist Examiners.

4 9. On May 24, 2004, Licensee personally delivered the \$720.00 reimbursement fee to complainant.

5 10. In a letter received by the Board of Psychologist Examiners on June 1, 2004, complainant
6 acknowledged that Licensee personally delivered the \$720.00 owed to her in the form of a certified cashier's
7 check.

8 11. The current standard of practice would require that a psychologist would return money to the client
9 in a more timely manner which would not exceed 30 days.

10 CONCLUSIONS OF LAW

11 1. The Board of Psychologist Examiners of the State of Arizona possesses jurisdiction over
12 the subject matter hereof and David E. Pool, Psy.D.

13 2. The conduct and circumstances described above constitute a violation of A.R.S. § 32-
14 2061(A)(13)(o) - . . . engaging in activities as a psychologist that are unprofessional by current standards of
15 practice.

16 ORDER

17 Based on the foregoing Findings of Fact, and Conclusions of Law, IT IS ORDERED that David E. Pool, Psy.D.
18 shall pay a \$720.00 civil penalty payable to the Board within 35 days of the effective date of this Order.

19 **NOTE:** In order to be eligible for appeal ("judicial review") pursuant to Arizona Revised
20 Statutes §§ 12-901 through 12-914, you are required to exhaust your administrative
21 remedies by filing a Motion for Rehearing or Review with the Board within thirty-five days
22 after these Findings of Fact, Conclusions of Law and Order are mailed to you. The mailing
23 date is indicated on the mailing certificate below. If you do not file a Motion for Rehearing
24 or Review within those 35 days, you will be prohibited from appealing to superior court
25 ("seeking judicial review") of the Board's decision. A.R.S. § 41-1092.09(B). The Board's
26 administrative rule regarding rehearing or review is A.A.C. 4-26-308, available on the
27 Board's website, www.psychboard.az.gov. The Board may grant rehearing or review on
28 the grounds stated in A.A.C. 4-26-308(C). If you file a motion for rehearing or review, it
must specify the particular grounds for rehearing or review, and should state the facts or
law that support those grounds. This Order will become effective 35 days after the date of
mailing, unless you file a Motion for Rehearing or Review pursuant to A.R.S. § 41-1092.09
and A.A.C. 4-26-308(C) within that time period. If you file a timely Motion for Rehearing or
Review, the Order will become effective at the time the Board rules on the motion.

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DATED this 12th day of August, 2004.

ARIZONA BOARD OF
PSYCHOLOGIST EXAMINERS

By Maxine McCarthy
Maxine McCarthy
Executive Director
1400 West Washington Street, Suite 235
Phoenix, Arizona 85007
(602) 542-8162

COPY of the foregoing mailed certified mail
No. 7001 1140 0000 7477 9989
this 12th day of August, 2004 to:

David E. Pool, Psy.D.
Address of record

COPY of the foregoing sent by interagency/regular mail
this 12th day of August, 2004 to:

Nancy J. Beck, Assistant Attorney General
Office of the Attorney General, Civil/LES
1275 West Washington
Phoenix, Arizona 85007

By Shari S Courtney