

1 Administrative Code (“A.A.C.” or “rules”) at R4-26-101 *et seq.*, to regulate and control the
2 licensing of psychologists in the State of Arizona.

3 2. Licensee holds a license to practice as a psychologist in the State of Arizona,
4 License number 4380, issued March 13, 2013, pursuant to A.R.S. § 32-2071 *et seq.*

5 3. The Board has personal and subject matter jurisdiction over Licensee pursuant to
6 A.R.S. §§ 32-2061 *et seq.*

7
8 **CONSENT AGREEMENT**

9 Licensee understands and agrees that:

10 4. The Board and Licensee enter into this Consent Agreement to promptly and judiciously
11 resolve this matter, consistent with the public interest and the statutory requirements of the Board.

12 5. The Board has jurisdiction over Licensee and the subject matter pursuant to A.R.S. §§
13 32-2061 *et seq.*

14 6. Licensee has the right to consult with an attorney prior to entering into this Consent
15 Agreement.

16 7. Licensee has a right to a public hearing concerning this case. Licensee further
17 acknowledges that at such formal hearing, he could present evidence and cross-examine witnesses.
18 Licensee irrevocably waives any right to such a hearing.

19 8. Licensee irrevocably waives any right to rehearing or review or to any judicial review
20 or any other appeal of this matter.

21 9. Although Licensee does not agree that each of the allegations in the Complaint are
22 supported by the evidence, he acknowledges that some of the allegations are true and further that it is
23 the Board's position that if this matter proceeded to formal hearing, the Board could establish sufficient
24 evidence to support a conclusion that certain of Licensee's conduct constituted unprofessional conduct.
25 Licensee therefore has agreed to enter into this Consent Agreement in part to take and accept
26 responsibility for his actions and also as an economical and practical means for the parties to resolve the
27 issues raised in the Complaint.

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2 16. Licensee now acknowledges that his response to that question should have been "Yes"
3 and that he should have provided the further explanation requested in Question # 14 with respect to
4 teaching licenses that he held in Washington, which he voluntarily surrendered in the course of an
5 investigation about false and exaggerated statements made in a job application, and in Alaska, where
6 his license was revoked as a result of an investigation of the circumstances surrounding his voluntary
7 surrender of his Washington license.

8 17. In the course of the investigation in Washington, there was evidence presented that
9 Licensee signed the name of a previous supervisor in documentation submitted in furtherance of his
10 application for an employment position, without the knowledge or the authority of the former
11 supervisor. While Licensee maintains that he did not sign that person's name, the investigator in that
12 case concluded that Licensee's denial was not credible.

13 18. In an August 7, 2013 letter to the Board's staff, Licensee stated, with respect to his
14 Washington State Counselor Registration, that "In Washington I held what was once called a Registered
15 Counsellor (sic), which was a designation that was discontinued sometime between 2008 and 2010."
16 Licensee did not disclose any disciplinary/enforcement action related to that registration. An on-line
17 credential search performed by a member of the Board's staff revealed that Licensee held a Counselor
18 Registration active from October 8, 1993 to June 30, 2010, with respect to which there was an
19 enforcement action. Licensee maintains that it was not his intention to withhold that information and
20 acknowledges that he should have been forthcoming and reported it when he reported the fact of his
21 having held a Registered Counselor position.

22 19. Licensee affirmatively states that his teaching license was subsequently fully restored
23 in Washington, even with the information that resulted in his voluntary surrender of his license, and that
24 he is eligible to reapply for a teaching license in Alaska, although he has no intention of doing so.

25 20. Licensee affirmatively states that never in the course of his clinical practice in
26 behavioral health or psychology has there ever been a patient complaint about the services he provided.

27 ...

1 21. Licensee is not presently practicing psychology in the State of Arizona and has no
2 intention to do so in the future, living and working as he does in another State.

3 22. Licensee has notified the regulatory agencies in Washington and the Canadian
4 Provinces Alberta and British Columbia of the pending disciplinary proceeding and has requested the
5 regulatory agencies in each jurisdiction to formally open an investigation based on the allegations in the
6 Complaint.

7 23. Licensee has a website, but does not now and has no intention in the future of engaging
8 in any online or telephonic counselling or psychological services requiring licensure.

9 24. Licensee's license expires in April 2015 and Licensee will not seek now and has no
10 present intention of seeking renewal of his license or reapplying for a new license after the current
11 license expires.

12 **CONCLUSIONS OF LAW**

13 25. The conduct and circumstances described above, if supported by the facts alleged,
14 would constitute unprofessional conduct, including A.R.S. § 32-2061 (15)(j), for making an untrue
15 statement to the Board or its investigators, staff or consultants, and A.R.S. § 32-2061 (15)(m), for
16 using misrepresentation or deception to obtain a psychology license.

17 **ORDER**

18 26. Based upon the foregoing Findings of Fact and Conclusions of Law, the parties agree
19 as follows: Pursuant to A.R.S. § 32-2081 (Q), the Board has determined that Licensee's conduct in
20 connection with Docket No. 15F-1414-SYA warrants disciplinary action.

21 Based upon the foregoing Findings of Fact and Conclusions of Law, IT IS ORDERED THAT:

22 27. **CENSURE**: Licensee is hereby issued a Decree of Censure regarding the violation
23 of A.R.S. § 32-2061(15) as it relates to the unprofessional conduct that is in issue in this case.

24 28. **CESSATION OF PRACTICE**: Licensee will not practice psychology in the State of
25 Arizona from the effective date of this Consent Agreement through the expiration date of his current
26 license, and will not hold himself out as someone licensed to practice psychology in the State of
27

1 Arizona. The effective date of this Consent Agreement is the date that it is signed by the Board's
2 Executive Director, or her designee, on behalf of the Board.

3 29. Further, Licensee will not submit an application to renew his license when it expires
4 in April 2015 and Licensee will not apply for another psychologist's license in the State of Arizona at
5 any time without the Board's prior written approval.

6 30. **OTHER PRACTICE AS LICENSED PSYCHOLOGIST:** Licensee represents
7 that he will not seek licensure to practice psychology in any other jurisdiction besides those
8 jurisdictions in which he is currently licensed.

9 31. In agreeing to enter into this Consent Agreement this Board has relied on this
10 representation by Licensee and it will be a material breach of this Consent Agreement, resulting in the
11 retroactive reversion of this Consent Agreement to a stipulated revocation of his license, with
12 appropriate reporting thereof, if Licensee seeks licensure in a jurisdiction other than a jurisdiction in
13 which he is presently licensed.

14 32. **INTERNET OR WEB-BASED PRACTICE:** Licensee represents that he has a
15 website, but does not now and shall not in the future engage in any online or telephonic counselling or
16 psychological services requiring licensure.

17 33. In agreeing to enter into this Consent Agreement, this Board has relied on this
18 representation by Licensee and it will be a material breach of this Consent Agreement, resulting in the
19 retroactive reversion of this Consent Agreement to a stipulated revocation of his license, with
20 appropriate reporting thereof, if Licensee engages in any online or telephonic psychological services
21 or counselling services requiring licensure.

22 34. **CONSENT TO REVOCATION WITHOUT NOTICE FOR NON-**
23 **COMPLIANCE:** Any violation of any of the terms of this Consent Agreement will result in the
24 retroactive reversion of this Consent Agreement to a stipulated revocation of Licensee's license, with
25 appropriate reporting thereof. A violation of this Order is a violation of A.R.S. § 32-2061 (15)(aa),
26 which is "[v]iolating a formal board order, consent agreement, term of probation or stipulated
27 agreement issued under this chapter."

1 35. **EFFECTIVE DATE:** Licensee understands that the foregoing Consent Agreement
2 and Order shall not become effective unless and until adopted by and executed on behalf of the Board.
3 Any modification to this original document is ineffective and void unless mutually approved by the
4 parties in writing.

5 36. **CONSIDERATION IN FUTURE ACTIONS:** Licensee understands that this Order,
6 or any part thereof, may be considered in any future disciplinary action against him.

7 37. **FINAL RESOLUTION:** This Order constitutes a final resolution of this disciplinary
8 matter but does not constitute a dismissal or resolution of other matters currently pending before the
9 Board, if any, and does not constitute any waiver, expressed or implied, of the Board's statutory
10 authority or jurisdiction regarding any other pending or future investigations, actions or proceedings.
11 Further, this Order does not preclude any other agency, subdivision or officer of this State from
12 instituting other civil or criminal proceedings with respect to the conduct that is the subject of this
13 Order.

14 38. **TIME:** Time is of the essence with regard to this Order.

15 39. **COSTS:** Licensee shall be responsible for all costs incurred as a result of his
16 compliance with this Order.

17 40. **PUBLIC RECORD:** This Consent Agreement and Order is a public record that may
18 be publicly disseminated as a formal action of the Board and shall be reported to the National
19 Practitioner Data Bank.

20 DATED THIS 31st day of March, 2015

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22
23 ARIZONA BOARD OF
24 PSYCHOLOGIST EXAMINERS

25 R. Russ

26 R Russ, Ph.D.
27 Licensee

Cindy Olvey, Psy.D.
Cindy Olvey, Psy.D.
Executive Director

1. ORIGINAL of the foregoing filed this

2. 31st day of March 2015, with:

3. The Arizona State Board of Psychologist Examiners
4. 1400 West Washington, Suite 240
5. Phoenix, Arizona 85007

6. COPY mailed by Certified Mail, No. 7009 2250 0001 7372 7954

7. this 31st day of March 2015 to:

8. R Russ, Ph.D.
9. Address on Record

10. COPY mailed

11. this 31st day of March 2015, to:

12. Larry Cohen
13. The Cohen Law Firm
14. P.O.Box 10056
14. Phoenix, AZ 85064

15. COPY mailed
16. this 31st day of March 2015, to:

17. Natalia Ter-Grigoryan
18. Tiffany & Bosco, P.A.
19. 2525 East Camelback Rd., Seventh Floor
19. Phoenix, AZ 85016-4237

21. COPY of the foregoing mailed by interagency

22. this 31st day of March 2015, to:

23. Jeanne M. Galvin, AAG
24. Office of the Attorney General
25. CIV/LES
25. 1275 West Washington
26. Phoenix, Arizona 85007

27. By: 