



Governor
Douglas A. Ducey

Arizona Board of Psychologist Examiners

1400 W. Washington, Suite 240
Phoenix, Arizona 85007
Phone (602) 542-8163 Fax (602) 542-8279
<https://psychboard.az.gov>

Board Members

Bob Bohanske, Ph.D. FNAP, Chair
Lynn Flowers, Ph.D., Vice-Chair
Janice Brundage, Ph.D. Secretary
Joseph Donaldson, Ph.D.
Ramona N. Mellott, Ph.D.
Tamara Shreeve, MPA
Frederick S. Wechsler, Ph.D., Psy. D.

Executive Director

Dr. Cindy Olvey

November 7, 2017

Jay Seitz, Ph.D.

[REDACTED]
[REDACTED]

Re: Notice of Denial of Application

Dear Dr. Seitz:

At public meetings held on October 6, 2017, and November 3, 2017, the Arizona Board of Psychologist Examiners ("Board"), considered your application (APP-16-138) for licensure as a psychologist in Arizona. You appeared in-person and on your behalf at the October and telephonically at the November meeting.

By way of background, on November 10, 2016, the Board office received your application for licensure. On July 28, 2017, the Board's Application Review Committee ("Committee") reviewed the application and noted that you answered "yes" to question number 20 of the application:

Are you currently awaiting trial, under indictment, have been convicted of, pled no contest or guilty to any felony or a misdemeanor other than a minor traffic offense or ever entered into a diversion program instead of prosecution, including any convictions that have been expunged, pardoned or deleted?

The Committee noted that in 2014, you were convicted of felonies involving Conspiracy to Commit Mail Fraud and Health Care Fraud, Mail Fraud and Health Care Fraud. You were ordered to pay over \$2.7 million in restitution and to forfeit an additional \$584,089.92. You were sentenced to, and served, 24 months in Federal prison in New York. The Committee determined that your application may not meet statutory requirements and voted to forward the application to the Board for further review and possible denial.

On October 6, 2017, the Board reviewed your application and it was noted that you were previously licensed in Arizona (license #4336) from 10/25/2012 through April 30, 2015. Upon further investigation, it was learned that you did not report your indictment on your 2013-2015 Psychologist Application for Licensure Renewal (renewal) you submitted to the Board. Question #14 of the 2013-2015 renewal application states:

Since May 1, 2011, have you been sued or prosecuted for an act or mission relating to your practice as a psychologist, your work under a license or certificate in another profession, or your work as a member of a profession in which you are not licensed or certified?

The Board noted that you were indicted in December of 2012. You completed your application for renewal September 24, 2013. The Board determined that you misrepresented your renewal by failing to disclose your indictment.

In addition, A.R.S. §32-3208 provides that “[A] health professional who has been charged with a misdemeanor involving conduct that may affect patient safety or a felony after receiving or renewing a license or certificate must notify the health professional’s regulatory board in writing within ten working days after the charge is filed.” You failed to notify the Board within ten working days after you were indicted.

Evidence was also presented that on February 23, 2016, you surrendered your license to practice psychology in the State of New York.

At the Board’s November 3, 2017, meeting, the Board also considered your August of 2012, conviction for Stalking in the Third Degree (2012NY021353) as well as your September 2014, conviction of Stalking in the Third Degree and Menacing in the Second Degree (2013NY070142). The Board noted that the August 2012 conviction should have been disclosed on your initial application for licensure filed September 4, 2012, and it was not. The charge in case no. 2013NY070142 should have been reported pursuant to A.R.S. §32-3208 but it was not, nor was it disclosed on your 2013-2015 application for renewal.

Therefore, the Board voted to DENY your application for licensure based upon the following:

1. Violating A.R.S. §32-3208 for failing to report to the Board within ten days the indictment for Conspiracy to Commit Mail Fraud and Health Care Fraud; Mail Fraud; and Health Care Fraud) and failing to report being charged with Stalking in the Third Degree and Menacing in the Second Degree (2013NY070142).

2. Violating A.R.S. §32-2061(15)(m), which is using fraud, misrepresentation or deception to obtain or attempt to obtain a psychology license or to pass or attempt to pass a psychology licensing examination or in assisting another person to do so, by failing to disclose the indictment on your 2013-2015 renewal application; and failing to disclose your August 2012 conviction for Stalking in the Third Degree (2012NY021353) on your initial application for licensure and failing to disclose the conviction for Stalking in the Third Degree and Menacing in the Second Degree on your 2013-2015 application for renewal.
3. Violating A.R.S. §32-2061(15)(i), which is commission of a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude. In either case, conviction by a court of competent jurisdiction or a plea of no contest is conclusive evidence of the commission for your felony convictions relating to Conspiracy to Commit Mail Fraud and Health Care Fraud; Mail Fraud and Health Care Fraud.
4. Violating A.R.S. §32-2061(15)(n), which is unprofessional conduct in another jurisdiction that resulted in censure, probation or a civil penalty or in the denial, suspension, restriction or revocation of a certificate or license to practice as a psychologist, based upon your surrender of your New York license.

This is a public record that may be publicly disseminated as a formal action of the Board and shall be reported to the National Practitioners Data Bank.

NOTICE

Notice of Appealable Agency Action. Right to Hearing on Denial of Application for Licensure.

Pursuant to A.R.S. § 41-1092.03, you have the right to appeal the denial of application for licensure by requesting a hearing. To obtain a hearing, you must submit a written request for a hearing to the Board of Psychologist Examiners, 1400 West Washington, Suite 240, Phoenix, Arizona, 85007. Pursuant to A.R.S. §41-1092.03(B) the request for hearing must be received at the Board's office within thirty-five (35) calendar days of the date of this letter. The request must state your name, your address, the action being appealed (denial of licensure), and must contain a concise statement of the reasons for the appeal. The hearing will be held within sixty (60) calendar days after the Board receives your request for hearing (A.R.S. § 41-1092.05(A)) At the hearing, you will have the burden of proof to demonstrate that you are qualified for licensure regarding the matters set forth in this Order on Denial of Application for Licensure. The Office of the Attorney General will represent the State of Arizona at the hearing.

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

Sent to address of record to:
Jay Seitz, Ph.D. by regular and certified mail
#70162140000069593742

Sent interagency mail to:
Jeanne Galvin, Assistant Attorney General