

**BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY**

In the Matter of the License of
John DeFrancisco, M.A., L.P.
License Number: LP0411

**STIPULATION AND
CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by John DeFrancisco, M.A., L.P.
("Licensee"), and the Minnesota Board of Psychology ("Board") as follows:

1. During all times herein, Licensee has been and now is subject to the jurisdiction of the Board from which he holds a license to practice psychology in the State of Minnesota.

FACTS

2. For the purpose of this stipulation and any other proceedings before the Minnesota Board of Psychology only, but for no other purpose, including but not limited to any civil or criminal litigation, the Board may consider the following facts as true:

a. From October 17, 2003, to November 8, 2007, Licensee provided psychological therapeutic services to an adult female client ("Client No. 1") for grief issues and marital problems. During this time, the following occurred:

i. In 2007, Licensee began occasionally hugging Client No. 1 during therapy sessions for encouragement and support.

ii. In late 2006, Licensee agreed to Client No. 1 not paying her co-pays at the time of services and instead putting those co-pays on a monthly account.

b. In early 2008, Licensee paid one month of Client No. 1's monthly bills.

c. From 2008 to 2010, Licensee bought Client No. 1 a number of items, including a television, a laptop, clothing, jewelry, movies, perfume, and tanning sessions.

d. Between May 2008 and February 2011, Licensee took Client No. 1 on three trips to Las Vegas and two trips to Chicago.

e. In early 2008, Licensee engaged in sexual intercourse with Client No. 1.

REGULATIONS

3. The Board views Licensee's practices as described in paragraph 2. above to be in violation of statutes and rules enforced by the Board. Licensee agrees that the conduct cited above constitutes a violation of Minn. Stat. § 148.941, subd. 2(a)(1) (violation of Board statutes and rules); Minn. Stat. § 148.941, subd. 2(a)(3) and Minn. R. 7200.5700 (unprofessional conduct); Minn. Stat. § 148.98 and Minn. R. 7200.4500 (violation of code of ethics); Minn. R. 7200.4810, subps. 1 & 2.A (impaired objectivity); Minn. R. 7200.4810, subp. 2.E and Minn. R. 7200.4900, subp. 7.a (exploitation of the professional relationship); and Minn. R. 7200.4900, subp. 8 (sexual intercourse or physical intimacies with a former client), and constitutes a reasonable basis in law and fact to justify the disciplinary action provided for in the order.

REMEDY

4. Upon this stipulation and without any further notice or proceedings, Licensee's license to practice psychology in the State of Minnesota is **SUSPENDED** for a period of no less than **24 MONTHS**. During the period of suspension, Licensee shall not engage in the practice of psychology in Minnesota. Licensee shall immediately cease to advertise or otherwise represent himself in any manner to be a licensee in this State.

5. Licensee may petition the Board for reinstatement of his license at any time. His license, however, shall be reinstated no earlier than 24 months from the date of this Order. When Licensee petitions for reinstatement, he shall meet with the Board's Compliant Resolution Committee ("Committee"). His license may be reinstated, if at all, as the evidence dictates and

based upon the need to protect the public. The burden of proof shall be upon Licensee to demonstrate by a preponderance of the evidence that he is capable of conducting himself in a fit and competent manner in the practice of psychology and can demonstrate sufficient evidence of rehabilitation as determined by the Committee.

6. The Board may, at any regularly scheduled meeting following Licensee's petition for reinstatement pursuant to paragraph 5. above, take any of the following actions:

- a. Issue Licensee an unconditional license;
- b. Issue Licensee a license with limitations upon the scope of Licensee's practice and/or with conditions for Licensee's practice; or
- c. Continue the suspension of Licensee's license upon his failure to meet the burden of proof.

7. If Licensee fails to comply with or violates this Stipulation and Consent Order, the Committee may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

- a. The Committee shall schedule a hearing before the Board. At least 20 days before the hearing, the Committee shall mail Licensee a notice of the violation(s) alleged by the Committee. In addition, the notice shall designate the time and place of the hearing. Within ten days after the notice is mailed, Licensee shall submit a written response to the allegations. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Committee, in its discretion, may schedule a conference with Licensee prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

c. Prior to the hearing before the Board, the Committee and Licensee may submit affidavits and written argument in support of their positions. At the hearing, the Committee and Licensee may present oral argument. Argument shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. The Committee shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Licensee has failed to submit a timely response to the allegations, Licensee may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Licensee waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Licensee's correction of a violation before the conference, hearing, or meeting of the Board may be taken into account by the Board but shall not limit the Board's authority to impose discipline for the violation. A decision by the Committee not to seek discipline when it first learns of a violation shall not waive the Committee's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while Licensee's license is in a suspended status.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board shall dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including additional conditions or limitations on

Licensee's practice, an additional period of suspension, additional conditions of reinstatement, or revocation of Licensee's license.

8. This stipulation shall not in any way limit or affect the authority of the Board to temporarily suspend Licensee's license under Minn. Stat. § 148.941, subd. 3, or to initiate contested case proceedings against Licensee on the basis of any act, conduct, or omission of Licensee justifying disciplinary action occurring before or after the date of this Stipulation and Consent Order which is not related to the facts, circumstances or requirements referenced herein.

9. In the event the Board at its discretion does not approve this settlement or a lesser remedy than indicated in this settlement, then, and in that event, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party to this stipulation, except that Licensee agrees that should the Board reject this stipulation and this case proceeds to hearing, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating to this matter.

10. Any appropriate court may, upon application of the Board, enter its decree enforcing the order of the Board.

11. Licensee has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Licensee is represented by Edward F. Kautzer, Ruvelson & Kautzer. The Committee is represented by Hans A. Anderson, Assistant Attorney General.

12. Licensee waives all formal hearings on this matter and all other procedures before the Board to which Licensee may be entitled under the Minnesota or United States constitutions, statutes, or rules and agrees that the order to be entered pursuant to the stipulation shall be the final order herein.

13. Licensee hereby knowingly and voluntarily waives any and all claims against the Board, the Minnesota Attorney General, the State of Minnesota and their agents, employees and representatives which may otherwise be available to Licensee under the Americans With Disabilities Act or the Minnesota Human Rights Act relative to the action taken or authorized against Licensee's license to practice psychology under this stipulation.

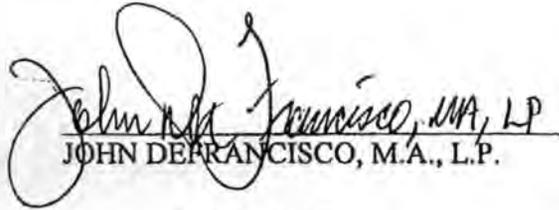
14. Licensee hereby acknowledges that he has read, understands, and agrees to this stipulation and has freely and voluntarily signed the stipulation without threat or promise by the Board or any of its members, employees, or agents. When signing the stipulation, Licensee acknowledges he is fully aware the stipulation is not binding unless and until it is approved by the Board. The Board may either approve the Stipulation and Consent Order as proposed, approve the Stipulation and Consent Order subject to specified change, or reject it. If the changes are acceptable to Licensee, the stipulation will then take effect and the order as modified will be issued. If the changes are unacceptable to Licensee or the Board rejects the stipulation, it will be of no effect except as specified herein.

15. This Stipulation and Consent Order constitutes a disciplinary action against Licensee.

16. This Stipulation and Consent Order is a public document and will be sent to all appropriate data banks and other entities consistent with Board policy.

17. This stipulation contains the entire agreement between the parties there being no other agreement of any kind, verbal or otherwise, which varies this stipulation.

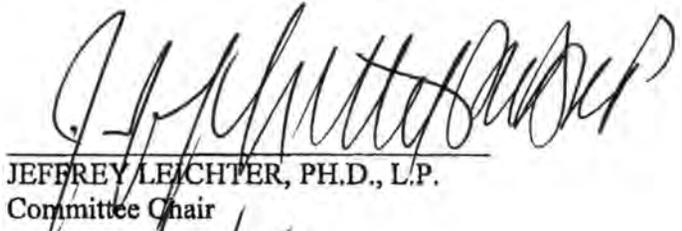
LICENSEE



JOHN DEFRANCISCO, M.A., L.P.

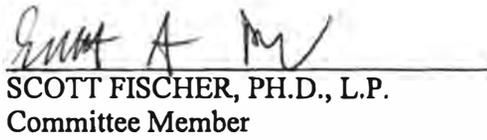
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COMPLAINT RESOLUTION COMMITTEE



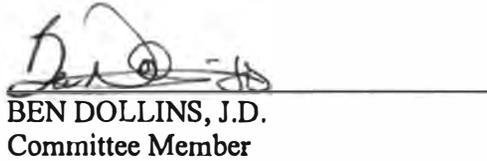
JEFFREY LEICHTER, PH.D., L.P.
Committee Chair

Dated: 1/28/14



SCOTT FISCHER, PH.D., L.P.
Committee Member

Dated: 1-24-14



BEN DOLLINS, J.D.
Committee Member

Dated: 1/24/14

ORDER

Upon consideration of this stipulation and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the license of Licensee is SUSPENDED and that all other terms of this stipulation are adopted and implemented by the Board this ^{24th} day of

January, 2014

MINNESOTA BOARD OF PSYCHOLOGY

Angelina M. Barnes

ANGELINA M. BARNES
Executive Director