STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF PSYCHOLOGY

PSY-79-003-GB

In the Matter of the Application of Michael A. Appleman

SETTLEMENT STIPULATION

IT IS HEREBY STIPULATED AND AGREED by Michael A. Appleman (hereinafter "Applicant") and his counsel and the Minnesota Board of Psychology (hereinafter "Board") and its counsel, that, without trial or adjudication of any issue of fact or law herein:

A. The Factual Stipulation and attachments dated August 23, 1979, (hereinafter "August Stipulation") attached hereto and made a part hereof, outlines the procedural history of this matter.

B. Applicant expressly waives the formal hearing and all other procedures before the Board to which Applicant may be entitled under the Minnesota or the United States constitutions, statutes or rules.

C. This Stipulation, together with the August Stipulation, attached hereto and made a part hereof, shall constitute the entire record relating to ethical issues herein and shall be filed with the Board.

D. In the event the Board in its discretion does not approve this Stipulation, or a lesser remedy than indicated in this Stipulation, then and in that event this Settlement Stipulation is withdrawn and, with the exception of the August Stipulation, attached hereto and made a part hereof, shall have no evidentiary value and shall not be relied upon nor introduced by either party hereto.

E. The Board may review the record as indicated in paragraph C., herein, without prejudice to him in any current or future proceedings of the Board with regard to these or other allegations; this Settlement Stipulation does not constitute an admission on the part of Applicant of any violation of the ethical requirements of Minn. Stat. § 148.91.

F. This Settlement Stipulation shall conclude all allegations concerning Applicant's compliance with Minn. Stat. §§ 148.88-148.99 (1978) and related Board rules or regulations which arose prior to August 23, 1979.

G. Upon this Stipulation and the record herein, as set forth in paragraph C., above, and without any further notice of proceedings herein, the Board may, in its discretion, issue an Order of Denial to Applicant as follows:

1. IT IS HEREBY ORDERED that the present application of Applicant to practice psychology in the State of Minnesota is DENIED;

2. IT IS HEREBY ORDERED that the application of Applicant shall be retained by the Board so as to permit Applicant to demonstrate compliance with all requirements for licensure as set forth in statute and rule;

3. IT IS HEREBY ORDERED that Applicant shall not be permitted to take an examination for licensure as a psychologist in the State of Minnesota until April, 1981, or any subsequent examination prior to which he has demonstrated compliance with the following conditions:

a. Applicant shall meet every three months with a Licensed Consulting Psychologist or Licensed Psychologist approved by the Board to discuss the Code of Ethics, 7 MCAR § 10.010. Until the final Board meeting at which licensure could be conferred upon Applicant following successful passing of the examinations administered by the Board, Applicant shall submit within ten days of the meetings written summaries of the matters discussed during these quarterly meetings to the Board;

b. Applicant shall have fulfilled in each and every respect the criteria for licensure of Minn. Stat. §§ 148.88-148.99 (1978) and related Board rules and regulations at the time when all applicants for any examination for which he makes application shall have done so.

c. Applicant shall have complied with the ethical requirements of Minn. Stat. §§ 148.88 thru 148.99 (1978) from the date of this Stipulation to the time when

ultimate licensure may be conferred. Allegations of failure to comply with the ethical requirements of Minn. Stat. §§ 148.88 thru 148.99 (1978) from August 23, 1979, to the date of this Stipulation, if any, shall be dealt with by the Board in separate proceedings, if any.

4. IT IS HEREBY ORDERED that upon compliance with the conditions listed in paragraph 3., hereinabove, upon successful and satisfactory completion of the Board administered licensure examination for licensure as a Licensed Consulting Psychologist or as a Licensed Psychologist, and in the event that no inconsistent ORDER is issued by the Board as a result of allegations of a failure to comply with the ethical requirements of Minn. Stat. §§ 148.91 from August 23, 1979, to the date of the Stipulation, if any, the Board shall issue an ORDER OF CONDITIONAL LICENSURE to Applicant. This Order would read as follows:

a. IT IS HEREBY ORDERED that a CONDITIONAL LICENSE shall be conferred upon Michael A. Appleman (hereinafter "Licensee");

b. IT IS HEREBY ORDERED that Licensee may retain his license contingent upon his successful compliance with the following conditions and terms:

1) Licensee shall meet with a Licensed Consulting Psychologist or Licensed Psychologist approved by the Board to discuss the Code of Ethics, 7 MCAR § 10.010, every three months during the year following the issuance of his conditional license;

2) Licensee shall submit or cause to be submitted from the Licensed Consulting Psychologist or Licensed Psychologist approved by the Board, with whom he has met during the year following the issuance of his conditional license, written summaries of the ethical matters discussed during each meeting. The reporter shall specifically address his or her

opinion as to Licensee's comprehension or understanding of the Code of Ethics adopted by the Board;

3) Licensee shall submit his own reports detailing his summaries of matters discussed at the meetings referred to in paragraphs 1) and 2), hereinabove.

c. Following receipt of a summary of the fourth meeting between Licensee and the Licensed Consulting Psychologist or Licensed Psychologist approved by the Board, Licensee need submit no further reports until he petitions the Board to have conditions removed from his license. Licensee may petition the Board for removal of conditions from his license at any regularly scheduled Board meeting following 24 months from the date he was issued a conditional license. Licensee shall have the burden to prove that conditions should be removed from his license. Upon Licensee's timely petition and upon the recommendation of the reporting psychologist that Licensee has a firm grasp of the meaning and ramifications of the Code of Ethics of psychologists, the conditions shall be removed from the license of Licensee and an unconditional license shall be conferred upon Licensee.

H. The currently pending appeal in Hennepin County District Court entitled, Michael A. Appleman, Plaintiff-Petitioner v. Minnesota State Board of Psychology, Defendant-Respondent, Hennepin County District Court File No. 759410, shall be dismissed as outlined in the separate stipulation between the parties in that matter.

I. The current administrative proceeding entitled above shall be dismissed.

J. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation, except as noted in paragraph H.

Dated: January 17, 1980.

MINNESOTA STATE
BOARD OF PSYCHOLOGY

Michael A. Appleman
MICHAEL A. APPLEMAN
Applicant

Patricia S. Lilligren
PATRICIA S. LILLIGREN
Ethics Panel

Barbara J Blumer
BARBARA J. BLUMER
Broeker, Hartfeldt, Hedges & Grant
ATTORNEYSFOR APPLICANT

TERRY P. O'BRIEN
Special Assistant
Attorney General
ATTORNEY FOR BOARD

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF PSYCHOLOGY

PSY-79-003-GB

In the Matter of the Application
of Michael A. Appleman

ORDER

The Minnesota Board of Psychology (hereinafter "Board"), having convened on February 2, 1980, to consider the Settlement Stipulation executed on January 17, 1980, between Michael A. Appleman (hereinafter "Applicant") and counsel and the Ethics Panel of the Board, and having reviewed the record and having heard oral presentations offered by Applicant and the Ethics Panel, now issues the following Order:

1. IT IS HEREBY ORDERED that the present application of Applicant to practice psychology in the State of Minnesota is DENIED;

2. IT IS HEREBY ORDERED that the application of Applicant shall be retained by the Board so as to permit Applicant to demonstrate compliance with all requirements for licensure as set forth in statute and rule;

3. IT IS HEREBY ORDERED that Applicant shall not be permitted to take an examination for licensure as a psychologist in the State of Minnesota until April, 1981, or any subsequent examination prior to which he has demonstrated compliance with the following conditions:

a. Applicant shall meet every three months with a Licensed Consulting Psychologist or Licensed Psychologist approved by the Board to discuss the Code of Ethics, 7 MCAR § 10.010. Until the final Board meeting at which licensure could be conferred upon Applicant following successful passing of the examinations administered by the Board, Applicant shall submit within ten days of the meetings written summaries of the matters discussed during these quarterly meetings to the Board;

b. Applicant shall have fulfilled in each and every respect the criteria for licensure of Minn. Stat. §§ 148.88-148.99 (1978) and related Board rules and regulations at the time when all applicants for any examination for which he makes application shall have done so.

c. Applicant shall have complied with the ethical requirements of Minn. Stat. §§ 148.88 thru 148.99 (1978) from the date of this Stipulation to the time when ultimate licensure may be conferred. Allegations of failure to comply with the ethical requirements of Minn. Stat. §§ 148.88 thru 148.99 (1978) from August 23, 1979, to the date of this Stipulation, if any, shall be dealt with by the Board in separate proceedings, if any.

4. IT IS HEREBY ORDERED that upon compliance with the conditions listed in paragraph 3., hereinabove, upon successful and satisfactory completion of the Board administered licensure examination for Licensed Consulting Psychologist or as a Licensed Psychologist, and in the event that no inconsistent ORDER is issued by the Board as a result of allegations of a failure to comply with the ethical requirements of Minn. Stat. § 148.91 from August 23, 1979, to the date of the Stipulation, if any, the Board shall issue an ORDER OF CONDITIONAL LICENSURE to Applicant. This Order would read as follows:

a. IT IS HEREBY ORDERED that a CONDITIONAL LICENSE shall be conferred upon Michael A. Appleman (hereinafter "Licensee");

b. IT IS HEREBY ORDERED that Licensee may retain his license contingent upon his successful compliance with the following conditions and terms:

1) Licensee shall meet with a Licensed Consulting Psychologist or Licensed Psychologist approved by the Board to discuss the Code of Ethics, 7 MCAR § 10.010, every three months during the year following the issuance of his conditional license;

2) Licensee shall submit or cause to be submitted from the Licensed Consulting Psychologist or Licensed Psychologist approved by the Board, with whom he has met during the year following the issuance of his conditional license, written summaries of the ethical matters discussed during each meeting. The reporter shall specifically address his or her opinion as to Licensee's comprehension or understanding of the Code of Ethics adopted by the Board;

3) Licensee shall submit his own reports detailing his summaries of matters discussed at the meetings referred to in paragraphs 4.b.1) and 2), hereinabove.

c. Following receipt of a summary of the fourth meeting between Licensee and the Licensed Consulting Psychologist or Licensed Psychologist approved by the Board, Licensee need submit no further reports until he petitions the Board to have conditions removed from his license. Licensee may petition the Board for removal of conditions from his license at any regularly scheduled Board meeting following 24 months from the date he was issued a conditional license. Licensee shall have the burden to prove that conditions should be removed from his license. Upon Licensee's timely petition and upon the recommendation of the reporting psychologist that Licensee has a firm grasp of the meaning and ramifications of the Code of Ethics of psychologists, the conditions shall be removed from the license of Licensee and an unconditional license shall be conferred upon Licensee.

Dated: April 21, 1980

MINNESOTA STATE
BOARD OF PSYCHOLOGY

Harriette Hartung
HARRIETTE HARTUNG
Executive Secretary