

**BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY**

In the Matter of the License
of William Fournier, M.A.
License Number: LP3648
(License Previously Terminated
for Failure to Renew License)

**STIPULATION AND
CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by William Fournier, M.A. (Applicant), and the Minnesota Board of Psychology (Board) as follows:

1. Applicant is subject to the jurisdiction of the Board, pursuant to Minn. R. 7200.3620, as a former licensee seeking relicensure following termination.

FACTS

2. For the purpose of this stipulation, the Board may consider the following facts as true:

- a. On May 2, 1997, the Board granted Applicant a license to practice psychology in Minnesota. Applicant failed to renew his license by May 31, 1999. By letters dated June 9 and July 9, 1999, Applicant was notified that he failed to renew his license by the renewal date of May 31, 1999. He was further notified that the Board would take action to terminate his license at the Board meeting on August 13, 1999. By letter dated September 9, 1999, Applicant was notified that on August 13, 1999, the Board terminated his license to practice psychology in Minnesota.

- b. Applicant engaged in the independent practice of psychology without a license by providing psychological services to clients after his license was terminated on August 13, 1999.

- c. On February 8, 2001, Applicant called the Board office to inquire about the status of his license. Applicant was informed that his license had been terminated because he

failed to renew it. By letter to the Board dated February 14, 2001, Applicant self-reported that he “inadvertently [sic] and unintentionally practiced psychology in the state of Minnesota without a license since the time of the termination, approximately September, 1999.” Applicant asserts he did not receive the letters from the Board regarding his license renewal described in the Background section above. Applicant explained that he sold his home and moved approximately seven months after receiving his license. He asserts that he sent out change-of-address form letters at that time and believed he sent one to the Board. He further asserts he completed an order for the Post Office to forward his mail for six months and later renewed the order for a total of one year. Applicant stated he does not know why the Board has no record of his change of address.

REGULATIONS

3. The Board views Applicant's practices as described in paragraph 2 above to be in violation of statutes and rules enforced by the Board. Applicant agrees that the conduct cited above constitutes a violation of Minn. Stat. § 148.941, subd. 2(a)(1) (violation of statute or rule Board is empowered to enforce), and Minn. Stat. §§ 148.907, subd. 1, and 148.941, subd. 6 (practicing psychology without a license), 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, Applicant agrees to the following in order to have his license to practice psychology in Minnesota reinstated, subject to a recommendation for relicensure from the Application Review Committee and approval by the Board:

a. Applicant is **REPRIMANDED** for practicing psychology without a license.

b. **Civil Penalty.** Upon licensure, Applicant shall pay a civil penalty to the Board in the amount of five thousand (\$5,000) dollars for engaging in the conduct and violations described in paragraphs 2 and 3 above and to deprive him of the economic gain from practicing

without a license and to discourage repeated violations. Payment of \$5,000 shall be remitted in full to the Minnesota Board of Psychology at Suite 320, 2829 University Avenue SE, Minneapolis, Minnesota 55414 within 30 days of the date this Stipulation and Consent Order is adopted by the Board. Applicant specifically agrees that the Board may make public his compliance with this paragraph of this Stipulation and Consent Order.

c. ***Fine for Violation of Order.*** If any requirement of this Stipulation and Consent Order is not met, the Complaint Resolution Committee may fine Applicant \$100 per violation. Applicant shall pay the fine and correct the violation within five days after service on Applicant of a demand for payment and correction. If Applicant fails to do so, the Committee may impose additional fines not to exceed \$500 per violation. The total of all fines for violation of this order may not exceed \$5,000. Applicant waives the right to seek review of the imposition of these fines under the Administrative Procedure Act, by *writ of certiorari* under Minn. Stat. § 480A.06, by application to the Board, or otherwise. Neither the imposition of fines nor correction of the violation will deprive the Board of the right to impose additional discipline based on the violation.

5. If Applicant shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, the license of Applicant to practice psychology in the State of Minnesota shall be suspended immediately upon written notice by the Board to Applicant, such a suspension to remain in full force and effect until Applicant petitions the Board to terminate the suspension after a hearing. Nothing contained herein shall prevent the Board from revoking or suspending Applicant's license to practice psychology in the State of Minnesota after any such hearing.

6. If Applicant's license has been suspended pursuant to paragraph 5 above, Applicant may petition to have the suspension lifted at any regularly scheduled board meeting following Applicant's submission of a petition, provided the petition is received by the Board at least 20 working days before the Board meeting. The Board shall grant the petition upon a clear showing by Applicant that he has corrected all violations of this Stipulation and Consent Order,

which were the basis for the suspension. Based on the evidence presented, the Board may impose additional conditions or limitations upon reinstating Applicant's license.

7. This stipulation shall not in any way or manner limit or affect the authority of the Board to proceed against Applicant by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or omission of Applicant justifying disciplinary action which occurred before or after the date of this stipulation and which is not directly related to the specific facts and circumstances set forth herein.

8. 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 Applicant agrees that should the Board reject this stipulation and this case proceeds to hearing, Applicant 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.

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

10. Applicant has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Applicant has been represented by Ferdinand F. Peters.

11. Applicant waives all formal hearings on this matter and all other procedures before the Board to which Applicant 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.

12. Applicant 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, Applicant acknowledges he is fully aware that the stipulation shall be 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 Applicant, the stipulation will then take effect and the order as modified will be issued. If the changes are unacceptable to Applicant or the Board rejects the stipulation, it will be of no effect except as specified herein.

13. This Stipulation and Consent Order constitutes a disciplinary action against Applicant.

14. This Stipulation and Consent Order is a public document and will be sent to all appropriate data banks.

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

BOARD OF PSYCHOLOGY

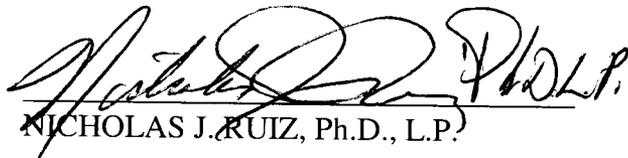
COMPLAINT RESOLUTION
COMMITTEE


WILLIAM FOURNIER, M.A.
Applicant

Dated: Mar 26, 2001


JACK B. SCHAFFER, Ph.D., L.P.

Dated: 3/30, 2001


NICHOLAS J. RUIZ, Ph.D., L.P.

Dated: Mar. 30, 2001


MARCIA FARINACCI

Dated: 3-30, 2001

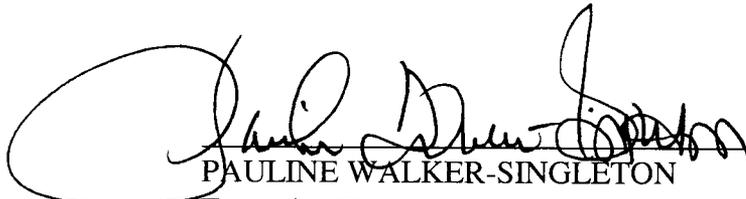
ORDER

Upon consideration of this stipulation and all the files, records, and proceedings herein, and upon relicensure of Applicant:

IT IS HEREBY ORDERED that Applicant is **REPRIMANDED**, and all other terms of this stipulation are adopted and implemented by the Board this 30th day of March, 2001.

MINNESOTA BOARD

OF PSYCHOLOGY


PAULINE WALKER-SINGLETON
Executive Director

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