

**BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY**

In the Matter of
Ronald L. Lybarger, Ph.D.
Applicant for Licensure

**STIPULATION AND
CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by Ronald L. Lybarger, Ph.D. (Applicant), and the Minnesota Board of Psychology (Board) as follows:

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

FACTS

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

a. Applicant is a licensed psychologist in the State of Kansas. Applicant applied for and received guest licenses from the Minnesota Board between 2002 and 2006.

b. In October 2007, Applicant initiated the process to become licensed as a licensed psychologist in the State of Minnesota by submitting his Application for Admission to the Professional Responsibility Examination, which the Board received on October 9, 2007. The Board received Applicant's Application for Licensure as a Licensed Psychologist on October 28, 2008.

c. Applicant believed he could practice psychology in Minnesota while his license was in process and engaged in the practice of psychology without a license or without a guest license.

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. § 148.98 (2008) (code of conduct); Minn. Stat. § 148.941, subd. 2(a)(1) (2008) (violation of statute or rule Board is empowered to enforce); Minn. Stat. § 148.941, subd. 2(a)(3) (2008), and Minn. Stat. § 148.941, subd. 6 (practicing without a license), and Minn. R. 7200.5700 (unprofessional conduct); 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 all the files, records, and proceedings herein, and without further notice or hearing herein, Applicant does hereby consent that until further order of the Board, made after notice and hearing upon application by Applicant or upon the Board's own motion, the Board may make and enter an order as follows:

- a. Applicant is REPRIMANDED.
- b. Applicant shall pay a CIVIL PENALTY to the Board in the amount of two thousand (\$2,000) dollars for engaging in the conduct and violations described in paragraphs 2 and 3 above. Payment of \$2,000 shall be remitted in full to the Minnesota Board of Psychology at Suite 320, 2829 University Avenue SE, Minneapolis, Minnesota 55414 within 90 days of the date this Stipulation and Consent Order is adopted by the Board.

5. If any due date required by this Stipulation and Consent Order is not met, the 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 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.

6. Applicant is responsible for all costs incurred as a result of compliance with this Stipulation and Consent Order.

7. If Applicant shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, the Committee shall schedule a hearing before the Board. The Committee shall mail Applicant a notice of the violation alleged by the Committee and of the time and place of the hearing. Applicant shall submit a response to the allegations at least three days prior to the hearing. If Applicant does not submit a timely response to the Board, the allegations may be deemed admitted.

At the hearing before the Board, the Committee and Applicant may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Consent Order. Applicant waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or limitations on Applicant's practice, or suspension, or revocation of Applicant's license.

8. This stipulation shall not in any way limit or affect the authority of the Board to temporarily suspend Applicant's license under Minn. Stat. § 148.941, subd. 3, or to initiate contested case proceedings against Applicant on the basis of any act, conduct, or omission of

Applicant 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 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.

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

11. Applicant has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Although aware of his right to representation by counsel, Applicant has knowingly and expressly waived that right. The Committee is represented by Nathan W. Hart, Assistant Attorney General.

12. 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.

13. Applicant 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 Applicant under the Americans With Disabilities Act or the Minnesota Human Rights Act relative to the action taken or authorized against Applicant's license to practice psychology under this stipulation.

14. 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 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 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.

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

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

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.

BOARD OF PSYCHOLOGY

COMPLAINT RESOLUTION
COMMITTEE



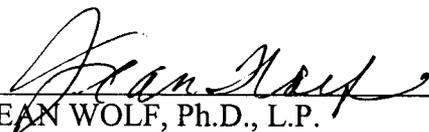
RONALD L. LYBARGER, Ph.D.
Applicant

Dated: 12/12/08

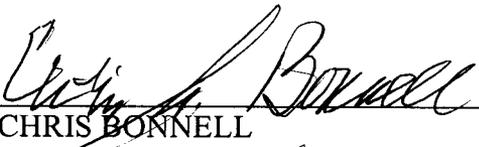


TED THOMPSON, M.Eq., L.P.

Dated: 1-23-09


JEAN WOLF, Ph.D., L.P.

Dated: 1/23/09


CHRIS BONNELL

Dated: 1/23/2009

ORDER

Upon consideration of this stipulation and all the files, records, and proceedings herein,
IT IS HEREBY ORDERED that Applicant is REPRIMANDED and that all other terms
of this stipulation are adopted and implemented by the Board this 23rd day of
January, 2009.

MINNESOTA BOARD
OF PSYCHOLOGY


PAULINE WALKER-SINGLETON
Executive Director

AG: #2350421-v1