

**BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY**

In the Matter of
Judith A. Marayelle, M.S.Ed.
Applicant for Licensure

**STIPULATION AND
CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by Judith A. Marayelle, M.S.Ed. (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 she 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 was originally licensed as a Licensed Psychologist on June 3, 1977.

b. On September 17, 1999, the Board adopted a Stipulation and Consent Order (1999 Order), allowing Applicant to voluntarily surrender her license to practice psychology in the State of Minnesota. (A true and correct copy of the 1999 Order is attached hereto as Exhibit A.)

c. On September 30, 2009, the Board received Applicant's application for re-licensure as a licensed psychologist in the State of Minnesota.

d. Based upon the misconduct that formed the basis for the 1999 Order, the Complaint Resolution Committee (Committee) requested that Applicant voluntarily submit to a "fitness for duty" evaluation, conducted by a licensed psychologist. On January 12, 2010, the

licensed psychologist issued a report, indicating Applicant was fit to return to the practice of psychology, subject to certain conditions and restrictions.

REMEDY

3. 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. **Remedial Course.** Within 30 days of the date this Stipulation and Consent Order is adopted by the Board, Applicant shall arrange to enroll in an individualized remedial professional training course, specifically tailored for her circumstances. This program shall involve one-to-one meetings with the training psychologist and shall focus on reviewing in depth with Applicant her misconduct forming the basis of the 1999 Order, within the context of a tutorial on professional boundaries, ethics related to the practice of psychology, the nature of professionalism, the dynamics of transference/countertransference, the dynamics of impaired objectivity, risk-management consideration for the practice of psychology, and the meaning of having a professional license. The Committee will provide Applicant with a list of licensed psychologists who have been approved to provide such a training course. If the Committee and Applicant concur that there is sufficient reason for Applicant not to use any of the licensed psychologists the Committee has listed, Applicant shall, within 30 days of the date this Stipulation and Consent Order is adopted by the Board, submit to the Committee for approval the names of other licensed psychologists to conduct the training. Applicant shall also submit the course instructor's vitae to the Committee for its approval of the instructor. The instructor shall be either a licensed psychologist or have a doctoral degree in psychology. Applicant shall complete the course within twelve (12) months of the date this Stipulation and Consent Order is

adopted by the Board. All fees for the course shall be paid by Applicant. Successful completion of the boundaries course shall be determined by the Committee.

b. ***Report on Course From Applicant.*** Within 30 days of completing the course referenced above, Applicant shall submit a report to the Committee which provides and addresses:

- 1) The dates Applicant began and completed the course;
- 2) A brief statement of the topics covered in the course;
- 3) A detailed discussion of what Applicant has learned from the course, including Applicant's comprehension and knowledge of boundary issues, as well as various ethical issues encountered in practice, and how this course will affect her practice in the future;
- 4) A detailed discussion of each boundary violation that occurred regarding the circumstances described in the Facts section of the 1999 Order, including (a) how Applicant came to violate these boundaries; (b) the manner in which Applicant violated these boundaries; (c) the specific harm to specific individuals that resulted or could have resulted from the boundary violations; and (d) how Applicant now believes the boundary violations could have been averted;
- 5) A detailed discussion of the specific ways this course will affect Applicant's practice in the future;
- 6) Applicant's reasons for believing she is capable of conducting herself in a fit, competent, and ethical manner in the practice of psychology; and
- 7) Any other information Applicant believes would assist the Board in its ultimate review of this matter.

c. **Report on Course From Instructor.** Within 60 days of completing the course referenced above, Applicant shall cause to be submitted to the Committee a report from the instructor of the course. This report shall address:

- 1) The extent of Applicant's participation in the course; and
- 2) The instructor's assessment of Applicant's knowledge obtained from the course and opinion as to Applicant's recognition of boundary issues and Applicant's ethical fitness to engage in the practice of psychology.

d. **Practice Restriction.** Upon resuming the practice of psychology, Applicant shall practice in the setting that meets the requirements of paragraph 1) or 2) below:

1) **Group Practice Setting.** Applicant shall practice in a group practice setting, approved in advance by the Committee. For purposes of compliance with this provision, a group practice setting is defined as a setting in which Applicant is an employee for a practice that employs at least one other licensed psychologist. Being a solo practitioner in an office-sharing situation is not acceptable for purposes of compliance with this provision.

2) **Supervision of Applicant by Board-Approved Psychologist.** If Applicant wishes to engage in the solo practice of psychology, then Applicant shall practice under the supervision of a supervising psychologist approved in advance by the Committee from a list of at least three names Applicant has submitted to the Committee. Applicant shall cause each psychologist listed to submit a current vitae to the Board for the Committee's review prior to its approval of a supervisor. The Committee reserves the right to reject all names submitted by Applicant. If the Committee rejects any names submitted, the Committee may require that Applicant submit additional names as described above, or the Committee may provide Applicant with the name of a supervisor. Applicant shall have no previous personal or professional relationship with the supervisor. Applicant shall obtain a supervising psychologist within one

month of the date this Stipulation and Consent Order is adopted by the Board and shall meet with the supervising psychologist no less than one hour every two weeks, regardless of the number of hours worked. After one year, Applicant may petition to have the supervision reduced to one hour per month. The purpose of the meetings is to review all aspects of Licensee's practice. If Licensee elects to practice under this provision, then she is responsible for having her supervisor submit reports as outlined in paragraph 3), below.

3) ***Supervisor's Reports.*** The supervising psychologist shall provide a report to the Committee every three months, at the time Applicant petitions for a reduction in the supervision, and at the time Applicant petitions to have the conditions removed from her license. The first report is due three months from the date supervision begins, and all subsequent reports shall be submitted on the first day of the month in which they are due. Each report shall provide and/or address:

- a) In the first report, evidence Applicant's supervisor has received and reviewed a copy of the Stipulation and Consent Order;
- b) Dates on which supervision took place with Applicant;
- c) The method by which supervision was conducted;
- d) A statement that all cases have been reviewed, a description of any problems discovered in the review, and the resolution of the problems;
- e) The supervisor's opinion as to Applicant's ability to provide competent services;
- f) Any other information the supervisor believes would assist the Board in its ultimate review of this matter; and
- g) At the time Applicant petitions for removal of the above-referenced conditions, the supervisor's report shall include an assessment of Applicant's ability to

conduct herself in a fit, competent, and ethical manner in the practice of psychology as well as whether Applicant exhibits an acceptable comprehension and knowledge of ethical issues encountered in practice as well as the ability to apply this knowledge.

4. 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.

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

6. No condition imposed as a remedy by this Stipulation and Consent Order, including conditions directly related to a restriction, shall be used as a continuing education activity for the purpose of renewal of Applicant's license to practice psychology, unless it is specifically stated in this Stipulation and Consent Order that the condition may be used for this purpose.

7. All reports shall cover the entire reporting period and provide the bases upon which conclusions were drawn.

8. The Board or its authorized representatives shall have the right to discuss Applicant's condition with and obtain records from any person with whom Applicant has contact as a result of her compliance with this Stipulation and Consent Order or as a result of her being

examined or her obtaining treatment, counseling, or other assistance on her own initiative or otherwise. Applicant shall execute releases and provide any health record or other waivers necessary for submission of the reports referenced in the stipulation, to enable the Board to obtain the information it desires, and to authorize the testimony of those contacted by the Board in any proceeding related to this matter.

9. Applicant shall also execute releases allowing the Board to exchange data related to this Stipulation and Consent Order with Applicant's supervisor and any other professional Applicant contacts in order to comply with this Order.

10. Following two years from the date of this Stipulation and Consent Order and upon completion of all terms, provisions, and conditions of this Stipulation and Consent Order, Applicant may petition the Board to remove the restrictions and conditions on her license. The Board may, at any regularly scheduled meeting at which Applicant has made a timely petition, take any of the following actions:

- a. Remove the conditions and restrictions attached to the license of Applicant;
- b. Amend the conditions and restrictions attached to the license of Applicant;
- c. Continue the conditions and restrictions attached to the license of Applicant upon her failure to meet her burden of proof; or
- d. Impose additional conditions and restrictions on the license of Applicant.

11. In the event Applicant resides or practices outside the State of Minnesota, Applicant shall promptly notify the Board in writing of the location of her residence and all work sites. Practice outside of Minnesota will not be credited toward any period of Applicant's suspended, limited, conditioned, or restricted license in Minnesota unless Applicant

demonstrates to the satisfaction of the Board that the practice in another jurisdiction conforms completely with Applicant's Minnesota licensure requirements to practice psychology.

12. 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.

13. 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.

14. 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.

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

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

17. 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.

18. 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.

19. Applicant hereby acknowledges that she 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 she 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.

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

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

22. 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



JUDITH A. MARAYELLE, M.S.Ed.
Applicant

Dated: 10/11/10



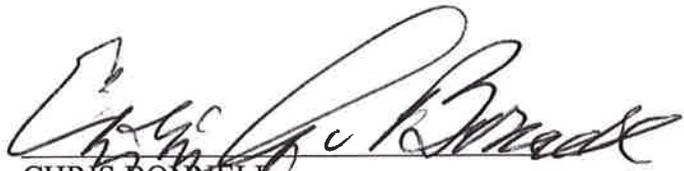
JEAN WOLF, Ph.D., L.P.
Committee Chair

Dated: 10/18/2010



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

Dated: 6-18-10



CHRIS BONNELL
Committee Member,

Dated: 6/18/10

ORDER

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

IT IS HEREBY ORDERED that the license of Applicant is placed in a **CONDITIONAL** status and that all other terms of this stipulation are adopted and implemented by the Board this 18th day of June, 2010.

MINNESOTA BOARD

OF PSYCHOLOGY



ANGELINA M. BARNES
Executive Director

AG: #2586350-v1

BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY

STIPULATION AND
CONSENT ORDER

In the Matter of
Judith Prema Marayelle, M.S.Ed., L.P.
License No. LP2727

IT IS HEREBY STIPULATED AND AGREED by Judith Prema Marayelle, M.S.Ed., 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 she holds 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. Licensee counseled Client #1 from January, 1996 through September, 1997, in both individual therapy and couples therapy with Client #2. Client #1 had recently lost her job of 12 years and was involved in an affair with her married boss, Client #2. Licensee told the investigator that Client #1 struggled with three issues: her dependence on Client #2, a recent arrest for driving under the influence of alcohol (DWI) and her alcoholism recovery, and compulsive spending.

b. Licensee failed to keep adequate records of her therapy with Clients #1 and #2. The following are examples:

1) Licensee did not conduct any psychological tests or mental health status evaluation for Client #1.

2) Licensee stated that she had taken a psychotherapy and chemical dependency treatment history from Client #1, but did not record this information other than to note that Client #1 had undergone treatment for alcoholism in her 20s.



3) Licensee failed to mention Client #1's DWI arrest in her therapy notes although the arrest occurred while Client #1 was in therapy with Licensee.

4) Licensee failed to note whether Client #2 was present during any couple or individual session.

5) Client #2's name does not appear in the records.

6) Licensee provided three pages of handwritten progress notes to the investigator which covered 22 therapy sessions between January 16, 1996 and September 9, 1997. Licensee stated that she wrote this set of notes at one time, after the therapy, when she was asked to provide the records to Client #1 for a law suit.

c. Licensee engaged in verbal and physical behavior considered by professional standards to be inappropriate and sexually seductive to the client. Examples include:

1) In August 1996, Licensee and Client #1 had lunch at Client #2's home and then went to a strip club, where Client #2 bought a lap dance for Licensee and Client #1.

2) While Clients # 1 and 2 were in therapy with her, Licensee attended a swingers party which Clients #1 and #2 also attended. All the women at the party were topless, including Licensee and Client #1.

d. Licensee engaged in a dual relationship with Client #1 for Licensee's financial benefit. Licensee invited Client #1 to join a pyramid sales organization with her and Licensee received part of Client #1's investment in the sales program. In addition, Licensee and Client #1 attended a convention for the organization together in Chicago in August or September 1996.

PROCEDURAL POSTURE

3. On August 27, 1999, Licensee offered to voluntarily surrender her license to practice psychology.

REGULATIONS

4. The Board views Licensee's practices as described in paragraph 2 above to be in violation of Minn. Stat. §§ 148.98 (code of conduct), 148.941, subd. 2(a)(1) (violation of statute or rule Board is empowered to enforce); and Minn. R. 7200.4900, subp. 1a., A., B., and C. (failure to maintain adequate records); Minn. R. 7200.5700 (unprofessional conduct); Minn. R. 7200.4900, subp. 8 (verbal and physical behavior considered sexually seductive to the client); and Minn. R. 7200.4810, subps. 1, 2A., B. (dual relationship) and constitutes a reasonable basis in law and fact to impose disciplinary action.

REMEDY

5. In the interest of settling this matter and avoiding the necessity of further proceedings, Licensee and the Committee hereby agree that upon this stipulation and all of the files, records, and proceedings herein, and without further notice or hearing herein, Licensee voluntarily surrenders her license to practice psychology in Minnesota. Licensee consents that the Board may make and enter an order as follows:

- a. Licensee shall not practice psychology in Minnesota.
- b. Licensee shall immediately cease to advertise or otherwise hold herself out in any manner as being a licensee in this state.
- c. Upon Licensee's agreement with this disposition, the Board agrees to close its file in this matter.
- d. Licensee shall pay a civil penalty to the Board in the amount of ^{one}~~two~~ thousand (\$1,000) dollars for engaging in the violations described in paragraph 2 above. Payment of the \$1,000 shall be remitted in full to the Minnesota Board of Psychology at Suite 320, 2829 University Avenue SE, Minneapolis, Minnesota 55414 within sixty (60) days of this order.

6. 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.

7. Licensee has been advised by the Board that she may choose to be represented by legal counsel in this matter. Although aware of her right to representation by counsel, Licensee has knowingly and expressly waived that right.

8. 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.

9. Licensee hereby acknowledges that she 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 that she is fully aware that the stipulation shall be approved by the Board. The Board may either approve the Stipulation and Order as proposed, approve the Stipulation and 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.

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

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

12. 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

Judith Prema Makayelle
JUDITH PREMA MAKAYELLE, M.S.Ed., L.P.
Licensee

Dated: 8/27, 1999

Jane Hovland, Ph.D., L.P.
JANE HOVLAND, Ph.D., L.P.

Dated: 27 Aug., 1999

Gerald T. Kaplan
GERALD T. KAPLAN, M.A., L.P.

Dated: Aug. 27, 1999

Sharon R. Andrews
SHARON R. ANDREWS

DATED: 8/27, 1999

Rosellen Condon
ROSELLEN CONDON
Assistant Attorney General
500 Capitol Office Building
525 Park Street
St. Paul, MN 55103-2106
Telephone: (651) 297-8835

ATTORNEY FOR COMMITTEE

Dated: August 27, 1999

ORDER

Upon consideration of this stipulation and all the files, records, and proceedings herein,
IT IS HEREBY ORDERED that the Board approves, adopts, and implements the terms of
the stipulation and accepts the SURRENDER of Licensee's license to practice psychology in the
State of Minnesota effective this 17th day of Sept, 1999.

MINNESOTA BOARD

OF PSYCHOLOGY


PAULINE WALKER-SINGLETON
Executive Director