

**BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY**

In the Matter of
the application of
John J. Pokrzywinski, M.A.

**STIPULATION AND
CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by John J. Pokrzywinski, M.A.
(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 seeks 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. On June 1, 1984, the Board granted Applicant a license to practice psychology in Minnesota.

b. On June 25, 1993, the Board entered into a Stipulation and Consent Order (1993 Order) with Applicant which imposed certain conditions upon Applicant's practice of psychology.

c. On July 14, 1995, the Board held a hearing to determine whether Applicant had violated the terms of the 1993 Order.

d. On July 14, 1995, the Board adopted Findings of Fact, Conclusions, and an Order of Suspension (1995 Order) finding that Applicant had failed to comply with the terms of the 1993 Order. The 1995 Order was served on Applicant on August 1, 1995.

e. On September 28, 1995, the Board adopted Amended Findings of Fact, Conclusions and Order of Suspension. The suspension was to remain in effect until such time as Applicant petitioned the Board to terminate the suspension and the Board ordered the suspension lifted.

f. On January 12, 1996, the Board issued an Order of Reinstatement with Conditions (1996 Order) reinstating Applicant's license to practice psychology in Minnesota.

g. Subsequent to its adoption of the 1996 Order, the Board learned that Applicant violated the 1995 Order by practicing psychology during the time period in which his license was suspended.

h. On December 13, 1996, the Board adopted a Stipulation and Consent Order revoking Applicant's license to practice psychology in Minnesota.

i. On April 1, 2005, Applicant applied for licensure as a Licensed Psychological Practitioner. The Board's Complaint Resolution Committee reviewed Applicant's disciplinary history with the Board, and requested that he provide information regarding the current status of his mental health. After reviewing this information, the Committee recommended that Applicant's license be conditioned and restricted.

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 (2004) and Minn. R. 7200.4500 (rules of conduct/code of ethics violation); Minn. Stat. § 148.941, subd. 2(a)(1) (2004) (violation of statute or rule Board is empowered to enforce); Minn. Stat. § 148.941, subd. 2(a)(3) (2004), and Minn. R. 7200.5700 (unprofessional conduct). Applicant further agrees that the conduct and

violations cited above constitute 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 that, in order to be issued a license to practice psychology in Minnesota, subject to a recommendation for licensure from the Committee and approval by the Board, the Board may issue an order **Conditioning** and **Restricting** his license, as follows:

a. **Group Practice.** Licensee may only practice psychology in a group setting, approved in advance by the Complaint Resolution Committee.

b. **Supervision.** Licensee may only practice psychology under the supervision of a supervising psychologist, approved in advance by the Committee. The supervision shall be in conducted in accordance with Minn. Stat. §148.925, subd. 5.

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

7. ***Applicability to Renewal Requirements.*** 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.

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

9. ***Releases.*** 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 his compliance with this Stipulation and Consent Order or as a result of his being examined or his obtaining treatment, counseling, or other assistance on his 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 and exchange information it desires both orally and in writing, and to authorize the testimony of those contacted by the Board in any proceeding related to this matter.

ADDITIONAL INFORMATION

5. Upon completion of all terms, provisions, and conditions of this Stipulation and Consent Order, Applicant may petition the Board to remove the conditions or restrictions on his 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 or restrictions attached to the license of Applicant;
- b. Amend the conditions or restrictions attached to the license of Applicant;

c. Continue the conditions or restrictions attached to the license of Applicant upon his failure to meet his burden of proof; or

d. Impose additional conditions or restrictions on the license of Applicant.

6. In the event Applicant resides or practices outside the State of Minnesota, Applicant shall promptly notify the Board in writing of the location of his 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.

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.

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


JOHN J. POKRZYWINSKI, M.A.
Applicant

MYRLA SEIBOLD, Ph.D., L.P.

Dated: 11-01, 2005

Dated: _____, 2005

SCOTT TERHUNE, Ph.D., L.P.

Dated: _____, 2005

SUSAN WARD

Dated: _____, 2005

ORDER

Upon consideration of this stipulation and all the files, records, and proceedings herein, and upon relicensure of Applicant, IT IS HEREBY ORDERED that the license of Applicant is placed in a **CONDITIONAL and RESTRICTED** status and that all other terms of this stipulation are adopted and implemented by the Board this _____ day of _____, 2005.

MINNESOTA BOARD
OF PSYCHOLOGY

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

JOHN J. POKRZYWINSKI, M.A.
Applicant

Myra Seibold
MYREA SEIBOLD, Ph.D., L.P.

Dated: _____, 2005

Dated: 11/04, 2005

Scott Terhune
SCOTT TERHUNE, Ph.D., L.P.

Dated: 11-04, 2005

Susan Ward
SUSAN WARD

Dated: 4 November, 2005

ORDER

Upon consideration of this stipulation and all the files, records, and proceedings herein, and upon relicensure of Applicant, IT IS HEREBY ORDERED that the license of Applicant is placed in a **CONDITIONAL and RESTRICTED** status and that all other terms of this stipulation are adopted and implemented by the Board this 04th day of November, 2005.

MINNESOTA BOARD
OF PSYCHOLOGY
Pauline Walker-Singleton
PAULINE WALKER-SINGLETON
Executive Director

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY

MEMORANDUM FOR THE RECORD
DATE: 1954
SUBJECT: [Illegible]

BY: [Illegible]

APPROVED: [Illegible]