

BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY

In the Matter of
John Pokrzywinski, M.A., L.P.
License No. 1280

STIPULATION AND
CONSENT ORDER

IT IS HEREBY STIPULATED AND AGREED by John J. Pokrzywinski, M.A., 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 he 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. On June 25, 1993, the Board entered into a Stipulation and Consent Order with Licensee which imposed certain conditions upon Licensee's practice of psychology.

b. On July 14, 1995, the Board held a hearing to determine whether Licensee had violated the terms of the June 25, 1993 Stipulation and Consent Order.

c. On July 14, 1995, the Board adopted Findings of Fact, Conclusions, and an Order of Suspension finding that Licensee had failed to comply with the terms of the June 25, 1993 Stipulation and Consent Order. The suspension order was served on Licensee on August 1, 1995.

d. Specifically, the Board found that Licensee failed to comply with the terms of the June 25, 1993 Stipulation and Consent Order in that he:

1) failed to practice under supervision;

2) failed to ensure that quarterly reports were submitted to the Board

by his supervisor and his psychiatrist;

- 3) failed to submit his own quarterly reports;
- 4) failed to obtain a program for billing and record-keeping from an office management organization;
- 5) failed to submit a report to the Board outlining the program recommended by the office management organization; and
- 6) failed to cause the management organization to submit a report to the Board.

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 Licensee 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 reinstating Licensee's license to practice psychology in Minnesota.

g. Subsequent to the reinstatement of his license, the Board learned that Licensee violated the Board's order of suspension in that he practiced psychology during the time period in which his license was suspended. Specifically, Licensee provided psychological services, including diagnostic assessments, to at least seven clients on the following dates: October 19, 1995, October 24, 1995, November 1, 1995, November 7, 1995, December 14, 1995, December 27, 1995, and January 11, 1996.

REGULATIONS

3. The Board views Licensee's practices as described in paragraph 2 above to be in violation of statutes and rules enforced by the Board. Licensee agrees that the conduct cited above constitutes a violation of Minn. Stat. § 148.941, subd. 2(a)(1) (violation of Board order/practicing psychology while suspended) 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 of the files, records and proceedings herein, and without any further notice of proceedings, Licensee does hereby consent that until further order of the Board, made after notice and hearing upon application by Licensee or upon the Board's own motion, the Board may make and enter an order **REVOKING** his license to practice psychology in the State of Minnesota. Licensee shall surrender his Minnesota license within ten days of service of this order by mailing it to Pauline Walker-Singleton, Board of Psychology, Suite 320, University Park Plaza, 2829 University Avenue S.E., Minneapolis, Minnesota 55114-3237. Licensee shall not reapply for licensure in Minnesota and shall not practice psychology in Minnesota.

5. This stipulation shall not in any way or manner limit or affect the authority of the Board to proceed against Licensee by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or omission of Licensee 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.

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

8. Licensee 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, Licensee has knowingly and expressly waived that right.

9. 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.

10. Licensee 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, Licensee acknowledges that he 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.

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

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

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

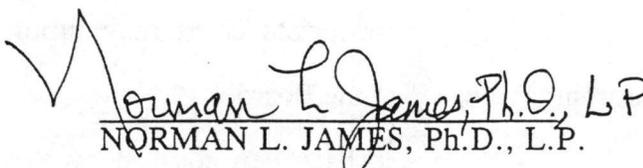
BOARD OF PSYCHOLOGY
COMPLAINT RESOLUTION
COMMITTEE



JOHN J. POKRZYWINSKI, M.A., L.P.

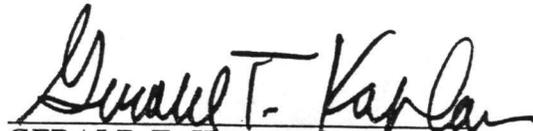
Licensee

Dated: _____, 1996



NORMAN L. JAMES, Ph.D., L.P.

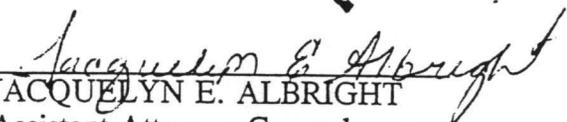
Dated: 12-13-96, 1996


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

Dated: Dec. 13, 1996


SAMUEL ALBERT, Ph.D., L.P.

Dated: Dec. 13, 1996


JACQUELYN E. ALBRIGHT
Assistant Attorney General
500 Capitol Office Building
525 Park Street
St. Paul, MN 55103-2106
Telephone: (612) 297-1050

Attorney for Board

Dated: 11-12, 1996

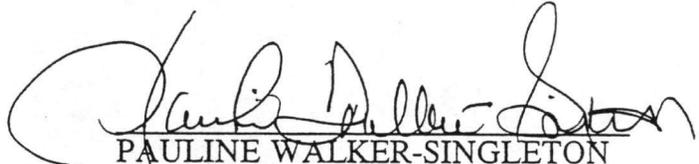
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ORDER

Upon consideration of this stipulation and all the files, records, and proceedings herein,
IT IS HEREBY ORDERED that the license of Licensee to practice psychology in the
State of Minnesota is **REVOKED** and that all other terms of this stipulation are adopted and
implemented by the Board this 13th day of Dec, 1996.

MINNESOTA BOARD

OF PSYCHOLOGY


PAULINE WALKER-SINGLETON
Executive Director

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