



The Minnesota Board of Psychology protects the public through licensure, regulation and education to promote access to safe, competent, and ethical psychological services.

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January 17, 2019

VIA EMAIL AND US MAIL

Gary Schoener, M.Eq., LP
4033 Dupont Ave S
Minneapolis, MN 55404

Dear Mr. Schoener:

This letter is your official notification that the Minnesota Board of Psychology Complaint Resolution Committee has completed its review of your compliance with the Stipulation and Consent Order, dated October 2, 2018, and has determined that you have satisfactorily completed the agreed upon disciplinary action. Therefore, the complaint referenced in the Stipulation and Consent Order is closed.

Pursuant to Minnesota Statutes Section 214.103 an Stipulation and Consent Order is a public document and as such becomes a permanent part of a licensee's public file. All other material related to a complaint is classified under the Minnesota Government Data Practices Act as "confidential" while the complaint is in active status and "private" after it is closed. Therefore, such material is not a part of your public licensure file and is not available to the public. Please note, this letter will be included in your public licensure file to reflect your compliance with the Stipulation and Consent Order.

Thank you for your cooperation in this matter.

Sincerely,

Joshua Bramley
Compliance Analyst

**BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY**

In the Matter of
Gary Schoener, M.Eq., L.P.
License No. LP1700

**STIPULATION AND
CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by Gary Schoener, M.Eq., 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. The Board finds the following:

a. On October 29, 1974, the Board licensed Licensee to practice psychology in the State of Minnesota.

b. At the time of the events described herein, Licensee coordinated the consultation and training services of a non-profit mental health counseling center, located in Minneapolis, Minnesota. He has been continuously licensed by the Board from that date through the present.

c. In April 2011, an organization contracted with the center to provide assistance to persons alleging sexual abuse by persons connected with that organization. The victims were directed to contact the center and ask for Licensee for free, confidential assistance that was independent of the organization.

d. Between February and July 2014, Licensee communicated a number of times with Client #1 in relation to Client #1’s memory of being sexually abused as a young child

by an employee who used to work for the organization. Licensee considered Client #1 to be a client, and received information from Client #1 by phone and email, and in one face-to-face meeting. Licensee failed to obtain informed consent from Client #1.

e. During the period in which Licensee was providing psychological services, Client #1 provided information about herself, including information on her psychological history, legal actions she was a part of, several psychological evaluations done which provided treatment recommendations, information about treatment she had received, her financial problems, and family issues.

f. During the period in which Licensee was providing psychological services to Client #1, Licensee failed to obtain a release from Client #1 in order to provide the confidential information to the organization. Licensee was not clear with Client #1 regarding what information he would share with the organization. Licensee stated to Client #1 that he would only forward requests for treatment payment from Client #1 to the organization; however, Licensee also provided personal details of Client #1's abuse history and mental health. The information contained significant detail so that the reader could readily identify the subject of the information.

g. Client #1 inquired whether Licensee had provided information regarding Client #1 to the organization, and Licensee was not accurate in his response.

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) (violating a statute, rule, or Board order) and Minn. R. 7200.4600 (competent provision of services), Minn. R. 7200.4700

(protecting privacy of clients), Minn. R. 7200.4710 (accessing and releasing private information), Minn. R. 7200.4720 (informed consent), and Minn. R. 7200.4810 (impaired objectivity or effectiveness); Minn. Stat. § 148.941 subd. 2(a)(2) (deceptive or dishonest conduct); and Minn. Stat. § 148.941 subd. 2(a)(3) 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 Consent Order (“Stipulation”) and all the files, records, and proceedings herein, and without further notice or hearing herein, 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 as follows:

a. ***Reprimand.*** Licensee is **REPRIMANDED** for engaging in the conduct and violations described above.

b. ***Civil Penalty.*** Licensee shall pay a civil penalty to the Board in the amount of Two Thousand Five Hundred (\$2,500.00) dollars for engaging in the conduct and violations described in paragraphs 2 and 3 above. Payment of \$2,500.00 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 the date this Stipulation and Consent Order is adopted by the Board.

c. ***Professional Consultation.*** Licensee shall obtain one-on-one professional consultation from a Minnesota licensed psychologist to work on analysis and discussion of the aforementioned issues and how to apply this knowledge to his practice.

Licensee shall submit the *curriculum vitae* of his proposed professional consultant for pre-approval by the Board's Complaint Resolution Committee ("Committee") within 30 days of the date this Stipulation becomes effective. The Committee reserves the right to reject the consultant proposed by Licensee. If the Committee rejects the consultant proposed by Licensee, the Committee may require that Licensee submit additional names, or the Committee may provide Licensee with the name of a consultant.

Licensee shall meet with the consultant for as many hours as needed to carry on a discussion of all elements of the relationship which led to the Complaint in this case, including the contract under which he was operating, his various interactions with Client #1, issues regarding release of information, and other issues deemed relevant by the consultant.

At the conclusion of the consultations, Licensee shall have the consultant submit a report to the Board no later than 60 days from the date of the last consultation. The report shall provide and/or address:

- 1) A statement that the consultant has reviewed this Stipulation and any other data deemed relevant by the Committee;
- 2) The dates on which consultations were held with Licensee;
- 3) Licensee's active participation in each consultation;
- 4) The issues discussed in each consultation;
- 5) The consultant's assessment of Licensee's understanding and ability to deal with the aforementioned issues and his ability to apply this knowledge to his practice;

6) The consultant's opinion as to whether Licensee has demonstrated a satisfactory understanding of the issues that gave rise to this Stipulation, and whether additional consultations or education is required; and

7) Any other information the consultant believes would assist the Committee in its ultimate review of this matter.

At the conclusion of the consultations, Licensee shall have 30 days to submit a report to the Board himself. The report shall provide and/or address:

1) A brief statement of the topics discussed at each consultation session;

2) What Licensee has learned from the consultations, including his own statement as his comprehension and knowledge of the issues that gave rise to this Stipulation;

3) A statement as to how Licensee has changed or will change his practice as a result of the knowledge and skills obtained or honed through the consultation; and

4) Any other information Licensee believes would assist the Board in its ultimate review of this matter.

5. Licensee is responsible for all costs incurred as a result of compliance with this Stipulation.

6. In the event Licensee resides or practices outside the State of Minnesota, Licensee 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 Licensee's suspended, limited, conditioned, or restricted license in Minnesota unless Licensee demonstrates to the

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

7. If Licensee 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 Licensee a notice of the violation alleged by the Committee and of the time and place of the hearing. Licensee shall submit a response to the allegations at least three days prior to the hearing. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

At the hearing before the Board, the Committee and Licensee 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. Licensee 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 Licensee's practice, or suspension, or revocation of Licensee's license.

8. This Stipulation shall not in any way limit or affect the authority of the Board to temporarily suspend Licensee's license under Minn. Stat. § 148.941 subd. 3 or Minn. Stat. § 214.077, or to initiate contested case proceedings against Licensee on the basis of any act, conduct, or omission of Licensee justifying disciplinary action occurring before or after the date of this Stipulation 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 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.

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

11. Licensee has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Licensee is represented by Patrick Elliott, Esq., Elliott Law Offices, Minneapolis, Minnesota.

12. 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.

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

14. 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 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 as proposed, approve the Stipulation 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.

15. This Stipulation constitutes a disciplinary action against Licensee.

16. This Stipulation 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.

CONSENT:



GARY SCHOENER, M.Eq., L.P.
Licensee

Dated: 9/25/18, 2018

BOARD OF PSYCHOLOGY
COMPLAINT RESOLUTION COMMITTEE



COMMITTEE MEMBER

Dated: 10-1-18, 2018

ORDER

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

IT IS HEREBY ORDERED that the license of Licensee is **REPRIMANDED** and that all other terms of this stipulation are adopted and implemented by the Board this 2 day of October, 2018.

MINNESOTA BOARD OF PSYCHOLOGY



SAM SANDS
Executive Director