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Margate psychologist ordered to pay \$475,000 in sex case

Patient's mom said mental-health professional had sex with her, then left her suicidal

By Tonya Alanez
South Florida Sun Sentinel
May 14, 2009



Defendant Michael Walczak, a Margate psychologist, listens to closing arguments in Broward civil court. Plaintiff Pam Gustin is seeking damages for battery and negligence claiming that Walczak had a sexual relationship with her while under his care which left her psychologically scarred. (Susan Stocker, Sun Sentinel / May 14, 2009)

FORT LAUDERDALE - A Broward civil jury has ordered a Margate psychologist to pay nearly a half-million dollars to a woman who said he had sex with her while treating her teenage son.

Pam Gustin, 50, said the mental-health professional enticed her into a nearly two-year sexual relationship then dumped her, leaving her suicidal and psychologically scarred.

Michael Walczak, 58, denied the sex allegations. They were friends, he said, until Gustin expressed deeper feelings. Upon rejection, the psychologist said, she went into a tailspin, then set out to ruin him.

After a four-day trial, the jury of four women and two men on Thursday awarded Gustin \$375,000 in compensatory damages and \$100,000 in punitive damages.

Eyes welling with tears at the verdict, Gustin, now of Winter Park, said: "After all these years, he finally has to take responsibility for his actions."

Gustin first took her son to Walczak in February 2002. By that summer, she said, she and Walczak had begun a romance that overlapped with her son's treatment and lasted for almost two years.

Walczak's professional license, which he has held since 1983, is now on the line.

Gustin has also complained to the state Department of Health, accusing Walczak of overstepping professional bounds. The department, which bars psychologists from having sex with patients or their immediate family members, has set a June administrative trial on the matter.

Walczak used his professional powers to exploit Gustin for his own sexual satisfaction, Gustin's attorney, Russell S. Adler argued.

"You are a psychologist. You get into people's heads, you know what makes people tick," Adler told the jury. "These people were never on equal footing."

A widow and vulnerable, Gustin fell in love with the psychologist, and when he ended the relationship, "Pam's life began to unravel," Adler said.

She attempted suicide three times, spent more than two months in a psychiatric hospital and now must take mood medications for life, he said.

Walczak's attorney, Jim Sparkman, argued that this was a classic case of "a woman scorned."

He portrayed Gustin as an unbalanced, lying woman who threatened to kill Walczak and his family when he rejected her advances.

"She wants to destroy him, she hopes he gets his license pulled and revoked, and it has turned into a personal vendetta," Sparkman said.

Walczak did not have sex with Gustin, the lawyer maintained. But, Sparkman told jurors, should they decide to believe that he did, "we all know it was consensual."