

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF PSYCHOLOGICAL EXAMINERS

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

vs.

D.P.R. Case Nos. 110272
89-006169

DONALD ANTHONY STEWART,

Respondent.

ADMINISTRATIVE COMPLAINT

COMES NOW, the Petitioner, Department of Professional Regulation, hereinafter referred to as "Petitioner", and files this Administrative Complaint before the Board of Psychological Examiners, against, Donald Anthony Stewart, hereinafter referred to as "Respondent", and alleges:

1. Petitioner is the state agency charged with regulating the practice of psychology pursuant to Section 20.30, Chapter 455, and Chapter 490, Florida Statutes.
2. Respondent is, and has been at all times material hereto, a licensed psychologist, license number PY 3458, whose address of record is 150 Fortenberry Road, Villa B, Merritt Island, Florida 32952.
3. The Respondent, the Respondent's wife, Patient #1 and her husband, were all close social acquaintances.

4. On or about December 5, 1986, Patient #1 became a patient of the Respondent's.

5. Subsequent to the Respondent's initiation of hypnosis/therapy with Patient #1, he began a dual relationship with her.

6. On or about May 25, 1988, the Respondent's work associates counseled him and advised the Respondent that no social or professional contact with Patient #1 would be appropriate.

7. On or about June 2, 1988, the Respondent's work associates recommended another psychologist, Dr. Robert Lehton, for Patient #1 and her husband.

8. On or about December 3, 1988, Husband met with the Respondent's work associates and notified them of continued contact between Patient #1 and the Respondent. More specifically, he alleged that the two (2) spent a weekend together at a motel.

9. On or about December 5, 1988, the Respondent was confronted by his work associates regarding continued contact with Patient #1, but the Respondent denied any such contact.

10. On or about December 11, 1988, the Respondent admitted ongoing contact with Patient #1 and announced plans to marry her.

11. After divorcing their respective spouses, the Respondent and Patient #1 were married on or about August 9, 1989.

COUNT I

12. Petitioner realleges and incorporates by reference the allegations set forth in the above paragraphs.

13. Based upon the foregoing, Respondent has violated Sections 490.009(2)(k) and 490.0111, Florida Statutes, by committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined by Rule 21U-15, Florida Administrative Code.

COUNT II

14. Petitioner realleges and incorporates by reference the allegations set forth in the above paragraphs.

15. Based upon the foregoing, Respondent has violated Section 490.009(2)(s), Florida Statutes by failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the licensee is not qualified by training or experience.

WHEREFORE, Petitioner respectfully requests the Board of Psychological Examiners to enter an order imposing one or more of the following penalties: Revocation or suspension of the Respondent's practice, imposition of an administrative fine, and/or any other relief which the Board deems appropriate.

SIGNED this 21st day of November, 1988.

Larry Gonzalez
Secretary

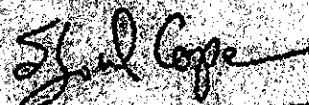

By Charles F. Tunniff
Chief Attorney

COUNSEL FOR DEPARTMENT:

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DATE 11/21/89

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF PSYCHOLOGICAL EXAMINERS

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

vs.

CASE NOS. 0110272
89-006169

DONALD A. STEWART

Respondent.

STIPULATION

Pursuant to Section 120.57(3), Florida Statutes, the above-named parties hereby offer this Stipulation to the Board of Psychological Examiners, as disposition of the Administrative Complaint attached hereto as exhibit "A", in lieu of any other Administrative proceedings. The terms herein become effective only if and when a final order accepting this Stipulation is issued by the Board and filed. In considering this Stipulation, the Board may review all investigative materials regarding this case. If this stipulation is rejected, it, and its presentation to the board, shall not be used against either party.

STIPULATED FACTS

1. Respondent neither admits nor denies the allegations of fact contained in the administrative complaint.
2. For all times pertinent herein, respondent was a licensed psychologist in the State of Florida, having been issued license number PY3458.

3. Paragraph number three (3) of the Administrative Complaint is amended to add the words ". . . prior to professional contacts, if any." at the end.

4. Paragraph number eight (8) of the Administrative Complaint is hereby stricken.

5. The factual allegations in the Administrative Complaint are hereby amended to add the following paragraph:

The alleged violation contained herein is based upon the fact that the Respondent allowed a friend to become his client.

STIPULATED LAW

7. Count I is hereby dismissed.

8. The last clause in paragraph fifteen (15) is hereby stricken.

9. The Respondent shall be present when this Stipulation is presented to the Board, and under oath shall answer questions by the Board concerning this case and the disposition thereof.

10. Respondent hereby waives any rights to appeal or further review of the Stipulation made herein.

11. Respondent hereby waives claim for attorneys fees generated by this case.

12. Respondent shall not violate Chapters 455 and 490, Florida Statutes, or the Rules promulgated thereunder.

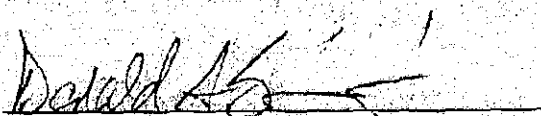
13. The Respondent shall be placed on probation for one (1) year. This probation shall include supervision of the Respondent's practice (review of records and caseload on a

monthly basis) by a psychologist chosen by the Respondent and approved by the Board. Both the Respondent and his supervisor shall forward quarterly reports to the Board.

14. The Respondent shall prepare an article on the Subject of dual relationships to be published in the Florida Psychologist, during the term of the Respondent's probation.

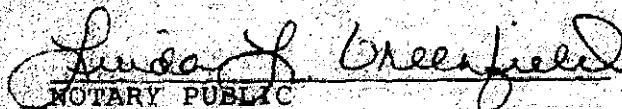
WHEREFORE, the parties hereto request the Board to enter a Final Order accepting and implementing the terms contained herein.

SIGNED this 5th day of July, 1990.



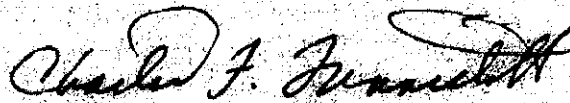
Respondent
Case No.

Sworn to and subscribed before
me this 5th day of
July, 1990.



NOTARY PUBLIC

Larry Gonzalez
Secretary



BY: Charles F. Punncliff
Chief Attorney
Professions Section

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA
My Commission Expires AUG. 8, 1991

Approved this _____ day of _____, 1990

COUNSEL FOR DEPARTMENT:
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DATE 12-24-90

Petitioner,

vs.

DPR CASE NO. 110272 and
89-0006169

DONALD ANTHONY STEWART,

Respondent.

FINAL ORDER ADOPTING STIPULATION OF THE PARTIES

THIS MATTER came before the Board of Psychological Examiners pursuant to Section 120.57(2) and (3), Florida Statutes, on November 19, 1990, in West Palm Beach, Florida, for a determination of whether to accept the proposed settlement stipulation. The Petitioner was represented by Laura Gaffney. The Respondent was present and was represented by legal counsel, Brian M. Pelzman.

A copy of the Administrative Complaint is attached and is incorporated by reference into this order. Upon consideration of that administrative complaint, the proposed settlement stipulation, the argument of the parties, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED:

1. The findings of fact and conclusions of law set forth in the proposed settlement stipulation, a copy of which is attached to and incorporated by reference into this order, are hereby approved and adopted.

2. Respondent has violated Section 490.009(2)(s) Florida Statutes. It is appropriate, therefore, for the Board to impose disciplinary penalties upon the Respondent.

3. Respondent will adhere to and abide by all the terms and conditions of the settlement stipulation. Before submitting his article for publication, Respondent will submit that article to the Board for its input, if any, and approval, as per the agreement of the parties at the hearing conducted in this cause.

4. This final order and its attachments shall be placed in and become a part of Respondent's official records and shall become effective upon filing with the clerk of the Department of Professional Regulation.

DONE AND ORDERED this 24th day of December, 1990.

BOARD OF PSYCHOLOGICAL EXAMINERS


DR. E. CAROL WEBSTER
CHAIR