

STATE OF FLORIDA
BOARD OF PSYCHOLOGY

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO.: 2006-00734
LICENSE NO.: PY 2015

CARLOS M. ALVAREZ, Ph.D.,

Respondent.

_____ /

FINAL ORDER

This cause came before the Board of Psychology (Board) at a duly-noticed public meeting on April 4, 2008, in Tampa, Florida for the purpose of considering Respondent's offer to voluntarily relinquish his license to practice psychology in the State of Florida, attached hereto as Exhibit "A." Said written offer of relinquishment specifically provides that Respondent agrees never again to apply for licensure as a psychologist in the State of Florida.

Upon consideration of the written offer of voluntary relinquishment, the charges set forth in the Administrative Complaint filed in this matter on December 19, 2007, (attached hereto as Exhibit "B") and the other documents of record, and being otherwise fully advised in the premises,

IT IS HEREBY ORDERED that the voluntary relinquishment of the license of Carlos M. Alvarez, Ph.D., to practice psychology in the State of Florida is accepted and shall constitute discipline upon his record.

This Final Order shall become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 15 day of April, 2008.

BOARD OF PSYCHOLOGY

Allen Hall

Allen Hall, Executive Director
for Richard Hoffman, Ph.D., Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to Carlos M. Alvarez, Ph.D., 7420 Sunset Drive, Miami, FL 33143-4130; Javier Alvarez, Esq., Holland and Knight, LLP, 701 Brickell Ave., Suite 3000, Miami, FL 33131 and by interoffice mail to Cynthia L. Jakeman, Esquire, Department of Health, Prosecutorial Services Unit, 4052 Bald Cypress Way, Bin C-65, Tallahassee, FL 32399-3265 and Mary Ellen Clark, Assistant Attorney General, Office of the Attorney General, The Capitol, PL-01, Tallahassee, FL 32399 this 16th day of April, 2008.

Jenice Dean
Deputy Agency Clerk

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH Case No. 2006-00734

CARLOS M. ALVAREZ, PH.D.,

Respondent.

PRACTITIONER REGULATION
LEGAL
2008 MAR - 7 AM 9: 34

VOLUNTARY RELINQUISHMENT OF LICENSE

Respondent, Carlos M. Alvarez, Ph.D., license No. PY 2015, hereby voluntarily relinquishes Respondent's license to practice psychology in the State of Florida and states as follows:

1. Respondent's purpose in executing this Voluntary Relinquishment is to avoid further administrative action with respect to this cause. Respondent understands that acceptance by the Board of Psychology (hereinafter the Board) of this Voluntary Relinquishment shall be construed as disciplinary action against Respondent's license pursuant to Section 456.072(1)(f), Florida Statutes.
2. Respondent agrees to never reapply for licensure as a psychologist in the State of Florida.
3. Respondent agrees to voluntarily cease practicing psychology in the State of Florida immediately upon executing this Voluntary Relinquishment. Respondent further agrees to refrain from the practice of psychology until such time as this Voluntary

Relinquishment is presented to the Board and the Board issues a written final order in this matter.

4. In order to expedite consideration and resolution of this action by the Board in a public meeting, Respondent, being fully advised of the consequences of so doing, hereby waives the statutory privilege of confidentiality of Section 456.073(10), Florida Statutes, and waives a determination of probable cause, by the Probable Cause Panel, or the Department when appropriate, pursuant to Section 456.073(4), Florida Statutes, regarding the complaint, the investigative report of the Department of Health, and all other information obtained pursuant to the Department's investigation in the above-styled action. By signing this waiver, Respondent understands that the record and complaint become public record and remain public record and that information is immediately accessible to the public. Section 456.073(10), Florida Statutes.

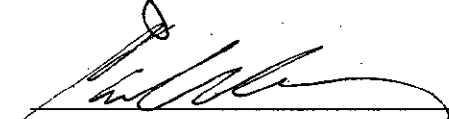
5. Upon the Board's acceptance of this Voluntary Relinquishment, Respondent agrees to waive all rights to seek judicial review of, or to otherwise challenge or contest the validity of, this Voluntary Relinquishment and of the Final Order of the Board incorporating this Voluntary Relinquishment.

6. Petitioner and Respondent hereby agree that upon the Board's acceptance of this Voluntary Relinquishment, each party shall bear its own attorney's fees and costs related to the prosecution or defense of this matter.

7. Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent in connection with the Board's consideration of this

Voluntary Relinquishment. Respondent agrees that consideration of this Voluntary Relinquishment and other related materials by the Board shall not prejudice or preclude the Board, or any of its members, from further participation, consideration, or resolution of these proceedings if the terms of this Voluntary Relinquishment are not accepted by the Board.

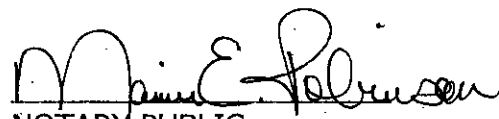
DATED this 29 day of February, 2008.



Carlos M. Alvarez, Ph.D.

STATE OF: Kentucky
COUNTY OF: Boyd

Before me, personally appeared Carlos M. Alvarez, whose identity is known to me by Federal Inmate ID (type of identification) and who, under oath, acknowledges that his signature appears above. Sworn to and subscribed before me this 29 day of February, 2008.



NOTARY PUBLIC

My Commission Expires: 1/22/12

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2006-00734

CARLOS M. ALVAREZ, PH.D.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Psychology against Respondent, Carlos M. Alvarez, Ph.D., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of psychology pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 490, Florida Statutes.

2. At all times material to this Complaint, Respondent was a licensed psychologist within the State of Florida, having been issued license number PY 2015.

Exhibit "B"

10.14.01

3. Respondent's address of record is 7420 Sunset Drive, Miami, Florida, 33143-4130.

4. On or about December 19, 2006, in case number 05-20943-CR- the Respondent pled guilty in the United States District Court, Southern District of Florida, to one count of conspiring to act as an agent of a foreign government without prior notification to the Attorney General, in violation of Title 18, United States Code, Section 951(a) and 28 C.F.R. Sections 73.01 et seq; all in violation of Title 18, United States Code, Section 371.

5. The Superseding Information filed by the federal government stated that the Respondent committed the following overt acts:

a. In or about 1977, and on various additional occasions through in or about 1998, he traveled from Miami to New York City, where he met with individuals who worked for the Cuban Intelligence Service and provided them information about the Cuban exile community in the United States.

b. In or about the late 1980's, he received training in computer technology from the Cuban Intelligence Service, including the decryption of incoming radio messages from the Cuban Intelligence Service

and the encryption of outgoing written reports to the Cuban Intelligence Service.

c. In or about the late 1980's, and on various additional occasions through on or about September 12, 1998, he received and sent encrypted communications regarding political developments of importance to Cuba, opinions within the United States regarding Cuba, and prominent individuals in the Cuban exile community in the United States.

d. In or about April 2001, he traveled to Cuba and met with an individual who worked for the Cuban Intelligence Service.

6. Respondent failed to report to the Board of Psychology, in writing, within thirty (30) days after the Respondent had pled guilty to one count of conspiring to act as an agent of a foreign government without prior notification to the Attorney General.

COUNT ONE

7. Petitioner realleges and incorporates paragraphs one (1) through six (6) as if fully set forth herein.

8. Section 490.009(1)(c), Florida Statutes, (2006) subjects a licensee to discipline for being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the

practice of his or her profession or to the ability to practice his or her profession.

9. On or about December 6, 2006, Respondent pled guilty in the United States District Court, Southern District of Florida, Case Number 05-20943, to a charge of knowingly acting as an agent of a foreign government without prior notification to the Attorney General as required by law, in violation of Title 18, United States Code, Section 951(1) and 28 C.F.R. Sections 73.01 et seq.

10. Respondent's felony conviction for acting as an agent of a foreign government without prior notification to the Attorney General directly relates to the practice of psychology or to the ability of Respondent to practice psychology because the Respondent must possess sound moral judgment in order to safely practice psychology in a manner that does not jeopardize the safety of the public. The Florida Legislature has vested a trust and confidence in psychologists by permitting them to render mental health care to the public. A health care practitioner who manifests such complete and reckless disregard for the law as Respondent demonstrated by his activities as an agent of a foreign government cannot be entrusted with the responsibility associated with the practice of psychology. The

Respondent's behavior does not correspond to that level of professional conduct expected of one licensed to practice psychology in this state.

11. Based on the foregoing, Respondent violated Section 490.009(1)(c), Florida Statutes, for being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of his or her profession or to the ability to practice his or her profession.

COUNT TWO

12. Petitioner realleges and incorporates paragraphs one (1) through (6) as if fully set forth herein.

13. Section 490.009(1)(w), Florida Statutes (2006), provides that violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto, constitutes an act for which disciplinary action may be taken.

14. Section 456.072(1)(x), Florida Statutes (2006), subjects a licensee to discipline for failing to report to the board, or the department if there is no board, in writing, within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction.

15. The Respondent failed to report, in writing, the aforementioned guilty plea to the Board of Psychology within 30 days as required by Section 456.072(1)(x), Florida (2006).

16. Based on the foregoing, Respondent has violated Section 490.009(1)(w), Florida Statutes (2006), through a violation of Section 456.072(1)(x), Florida Statutes (2006), by failing to report, in writing, his plea to the Board of Psychology within 30 days.

WHEREFORE, the Petitioner respectfully requests that the Board of Psychology enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 18th day of December, 2007.

Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General



Cynthia L. Jakeman
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
Florida Bar # 0714690
(850) 245-4640 ext. 8133
(850) 245-4682 FAX

FILED

DEPARTMENT OF HEALTH

DEPUTY CLERK

CLERK: 

DATE 12-19-07

PCP: December 18, 2007

PCP Members: Rivas-Vazquez/Webster

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.