

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF PSYCHOLOGICAL EXAMINERS

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

vs.

Case No. 0094058

ROBERT K. ALSOFROM, Ph.D.,

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, Robert K. Alsofrom, Ph.D., 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 FY 2014, whose address of record is 2617 N. Flagler Drive, #302, West Palm Beach, FL 33407.

3. Records show the Respondent's office charged Patient #1 for office visits from July of 1979 until January of 1980.

4. By September of 1979, Patient #1 and the Respondent, her therapist, were intimately involved with each other.

5. The Respondent then hired Patient #1 as the office bookkeeper in 1980, a job that she kept until 1987.

6. The Respondent admitted that he and Patient #1 developed a "close" relationship, had been sexually intimate and at one time were planning on marriage.

7. The Respondent said he gave Patient #1 a "career assessment" but never considered her as a patient. He also said he hired Patient #1 as his office bookkeeper because she was extremely shy and felt the job would help her gain self-confidence.

8. Patient #2 stated that during one of her therapy sessions, the Respondent touched her breasts and stroked her thigh. The Respondent also loaned Patient #2 one thousand, two hundred dollars (\$1,200) and harassed her to pay it back by calling her at work repeatedly.

9. The Respondent failed to maintain patient confidentiality when he released confidential information regarding Patient #2 in a letter to her attorney. Patient #2 had not signed a release form authorizing this information to be disclosed to her attorney.

10. Patient confidentiality was also jeopardized by Patient #1's position in the Respondent's office. Patient #1 was the Respondent's patient and should not have had access to other patient's records and files, which she did in her capacity as office bookkeeper.

11. The Respondent has consistently become involved in the personal lives of his patients. He did not avoid dual relationships which subsequently impaired his professional judgement. The following is a list of other patients with whom the Respondent has had a relationship other than patient/doctor:

- a) Patient #3 - a patient the Respondent hired as program director for his now defunct television program, "The Next Fifty Years";
- b) Patient #4 - a patient the Respondent hired as the director of marketing for a company he had created, "Precision Information";
- c) Patient #5 and Patient #6 - patients to whom the Respondent loaned money to start a construction business and expected to share a percentage of the business profits. The patients were also given a key to the Respondent's house in order to perform remodeling. Neither of these patients are licensed contractors; and
- d) Patient #7 - a patient who loaned the Respondent money at the Respondent's request and was made a beneficiary on the Respondent's life insurance policy.

12. Patient #8 and Patient #9 were patients of David Hart, who was working for the Respondent. When Mr. Hart left the Respondent's employment, both of these patients asked for copies of their records, which were in the Respondent's possession.

They wanted to continue therapy with Mr. Hart at his new place of employment. The Respondent and his new bookkeeper, Sandra Wiedmaier, told them they could not change therapists and harassed them by calling them at work numerous times.

13. The Respondent's competence and objectivity as a psychologist are questionable because of his behavior such as borrowing money from patients, loaning money to patients, getting involved in personal relationships with his patients, and hiring his patients.

14. David Hart and Patient #1 both reported that the Respondent had a volatile and violent temper which often lent itself to yelling at patients.

COUNT I

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

16. Based upon the foregoing, Respondent has violated Section 490.009(2)(k), Florida Statutes, by committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined in Section 490.0111.

COUNT II

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

18. Based upon the foregoing, Respondent has violated Section 490.009(2)(v), Florida Statutes by failing to maintain in confidence a communication made by a patient or client in the context of such services, except by written permission or in the face of clear and immediate probability of bodily harm to the patient or client or to others.

COUNT III

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

20. 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.

COUNT IV

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

22. Based upon the foregoing, Respondent has violated Section 490.009(2)(p), Florida Statutes, by being unable to practice the profession for which he is licensed under this chapter with reasonable skill or competence as a result of any mental or physical condition or by reason of illness, drunkenness, or excessive use of drugs, narcotics, chemicals, or any other substance.

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 3rd day of July, 1989.

Larry Gonzalez
Secretary



By: Charles F. Tunnichliff
Chief Attorney

COUNSEL FOR DEPARTMENT:

Laura P. Gaffney
Senior Attorney
Department of Professional
Regulation
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Tallahassee, FL 32399-0792
(904) 488-0062

LPG/pjs
6/8/89

FILED

Department of Professional Regulation
AGENCY CLERK



CLERK

DATE

7-5-89

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF PSYCHOLOGICAL EXAMINERS

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

DPR CASE NO. 0094058

vs.

ROBERT K. ALSOFROM, Ph. D.

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 PY 2014.

STIPULATED LAW

3. Respondent admits that the stipulated facts, if proven, constitute violations of law as charged in the Administrative Complaint.

STIPULATED DISPOSITION

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

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

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

7. The Respondent shall voluntarily surrender his license to the Department of Professional Regulation, no later than June 21, 1990.

8. The Respondent may not reapply for licensure within the next five (5) years.

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


RESPONDENT

6-12-90
Date signed


Sworn to and subscribed
before me this 12th day
of June, 1990.


Notary Public
My Commission Expires:

12-12-92

APPROVED this 26th day of June, 1990.

Larry Gonzalez
Secretary


BY: Charles F. Tunnick
Chief Attorney
Allied Health Section

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5/31/90

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Department of Professional Regulation
AGENCY CLERK

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF PSYCHOLOGICAL EXAMINERS

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DEPARTMENT OF PROFESSIONAL
REGULATION

CLERK _____

DATE 10-10-90

Petitioner,

vs.

DPR CASE NO. [REDACTED]

[REDACTED]

Respondent.

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FINAL ORDER ADOPTING STIPULATION OF THE PARTIES

THIS MATTER came before the Board of Psychological Examiners pursuant to Section 120.57(2), Florida Statutes, on August 21, 1990, in Atlantic Beach, Florida, for a determination of whether to accept the proposed settlement stipulation. The Petitioner was represented by Laura Gaffney. The Respondent was present. At Respondent's election his attorney was not present.

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 un rebutted factual allegations in the administrative complaint and the investigative materials constitute a prima facie showing that Respondent has violated Sections 490.009(2)(k), 490.009(2)(p), 490.009(2)(s), and 490.009(2)(v), Florida Statutes. Those facts and the conclusions of law are hereby adopted by the Board.

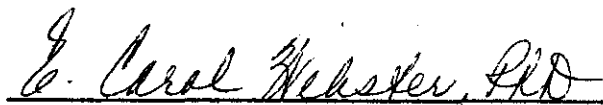
2. The proposed settlement stipulation, a copy of which is attached to and made part of this order by reference, is hereby approved and adopted. In it, Respondent voluntarily agreed to surrender his license as a psychologist by June 21, 1990.

3. Respondent may no longer hold himself out as a psychologist in the State of Florida.

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 8th day of October, 1990.

BOARD OF PSYCHOLOGICAL EXAMINERS



DR. E. CAROL WEBSTER
CHAIR

NOTICE OF RIGHT TO APPEAL

Pursuant to Section 120.59, Florida Statutes, the parties are hereby notified that, unless they have waived their rights to do so, they may appeal this Final Order by filing one copy of a Notice of Appeal with the Clerk of the Department of Professional Regulation and by remitting the filing fee and another copy of a Notice of Appeal with the District Court of Appeal within 30 days of the date on which this Final Order is filed with the agency clerk.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by Certified U.S. Mail to Mr. Robert K. Alsofrom, c/o Donald R. Smith, Esquire, Post Office Drawer 14127, North Palm Beach, Florida 33400-2893, and Laura Gaffney, Senior Attorney, Legal Section, Department of Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0792 on or before 5:00 p.m., this 10th day of October, 1990.



JOHN TAYLOR
EXECUTIVE DIRECTOR