BEFORE THE BOARD OF PSYCHOLOGIST EXAMINERS

STATE OF IDAHO

ORIGINAL

In the Matter of the License of:	)	
	)	
DAVID G. SANFORD, Ph.D.,	)	Case No. PSY-P4C-O2A-02-075
License No. PSY-93,	)	
	)	**STIPULATION**
Respondent.	)	**AND CONSENT ORDER**
	)	

WHEREAS, information having been received by the Idaho State Board of Psychologist Examiners (hereinafter the "Board") which constitutes sufficient grounds for the initiation of an administrative action against David G. Sanford, Ph.D. (hereinafter "Respondent"); and

WHEREAS, the parties mutually agree to settle the matter pending administrative Board action in an expeditious manner; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

A.

1. The Board may regulate the practice of psychology in the State of Idaho in accordance with title 54, chapter 23, Idaho Code.

2. Respondent is a licensee of the Idaho State Board of Psychologist Examiners and holds License No. PSY-93 to practice psychology in the State of Idaho. Respondent's license is subject to the provisions of title 54, chapter 23, Idaho Code.

3. On or about August 8, 2000, the Honorable David C. Epis, Magistrate Judge, ordered Respondent to conduct a Parenting Evaluation ("Evaluation") in Case No. CV-DR-99-00182. Under the terms of Judge Epis' Order, the evaluation was to include an evaluation of drug and alcohol use and its impact on parenting for each party, an evaluation of the interaction between each party and the children, and an evaluation of which parent would most likely foster a healthy relationship between the children and the other parent.

4. At hearing on October 19, 2000, Respondent admitted that in preparing his Evaluation he did not observe Complainant and the children, failed to include in his report his evaluation of the mother's drug and alcohol use, and failed to address which parent would most likely foster a healthy relationship between the children and the other parent. The Board alleges that such conduct violated the current version of the American Psychological Association Ethical Standard 1.23(b), as incorporated in Idaho Code § 54-2309(e).

5. At hearing on October 19, 2000, Respondent admitted that in preparing his Evaluation he failed to substantiate hearsay. The Board alleges that such conduct violated the current version of the American Psychological Association Ethical Standard 7.02(a) and (c), as incorporated in Idaho Code § 54-2309(e).

6. Respondent, in lieu of proceeding with a formal disciplinary action to adjudicate the allegations as set forth above, hereby declines to contest the alleged violations and agrees to the discipline against his license as set forth in section C below.

B.

I, Dr. David G. Sanford, by affixing my signature hereto, acknowledge that:

1. I have read and decline to contest the allegations pending before the Board, as stated above in section A. I further understand that these allegations, if proven, constitute cause for disciplinary action upon my license to practice psychology in the State of Idaho.

2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to so testify myself; the right to reconsideration; the right to appeal; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of psychology in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this Stipulation and Consent Order ("Stipulation") as a resolution of the pending allegations.

3. I understand that in signing this Stipulation I am enabling the Board to impose disciplinary action upon my license without further process.

C.

Based upon the foregoing stipulation, it is agreed that the Board may issue a decision and order upon this Stipulation whereby:

1. Respondent shall reimburse the Board for its investigative costs of $590.00 and attorney's fees of $700.00 within thirty (30) days of the entry of the Board's order.

2. Respondent agrees to the following disciplinary actions:

a. Respondent shall attend sixteen (16) hours of continuing education in the areas of diagnosis, forensic evaluations, ethical standards and/or child custody evaluations. The course or courses must be approved by the APA or the ABPP. The sixteen (16) hours of continuing education shall be in addition to any other continuing education required to maintain licensure. The course or courses must be completed within six (6) months of the date the Board executes an order adopting this Stipulation, and proof of completion shall be mailed to the Bureau of Occupational Licenses, 1109 Main Street, Owyhee Plaza, Suite 220, Boise, Idaho 83702-5642, no later than thirty (30) days after completion of such course. Courses completed by Respondent in the required areas, over and above the required 20 annual hours, commencing October 1, 2001, may be counted toward fulfillment of this requirement.

b. Respondent shall provide the Board with copies of all Parenting Evaluations conducted during the six months commencing upon the Board's adoption of this Stipulation so that the same may be reviewed by a qualified professional selected by the Board.

3. All costs associated with compliance with the terms of this stipulation are the sole responsibility of Respondent.

4. The violation of any of the terms of this Stipulation by Respondent will warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

D.

1. It is hereby agreed between the parties that this Stipulation shall be presented to the Board with a recommendation for approval from the Deputy Attorney General responsible for prosecution before the Board at the next regularly scheduled meeting of the Board.

2. Respondent understands that the Board is free to accept, modify with Respondent's approval, or reject this Stipulation, and if rejected by the Board, a formal complaint may be filed against Respondent. Respondent hereby agrees to waive any right Respondent may have to challenge the impartiality of the Board to hear the disciplinary complaint if, after review by the Board, this Stipulation is rejected.

3. If the Stipulation is not accepted by the Board, it shall be regarded as null and void. Admissions by Respondent in the Stipulation will not be regarded as evidence against Respondent at the subsequent disciplinary hearing.

4. This Stipulation shall not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

5. Any failure on the part of Respondent to timely and completely comply with any term or condition herein shall be deemed a default.

6. Any material default of this Stipulation shall be considered a violation of Idaho Code § 54-2309. If Respondent violates or fails to comply with the terms of this Stipulation, the Board may impose additional discipline pursuant to the following procedure:

a. The Chief of the Bureau of Occupational Licenses shall schedule a hearing before the Board. Within twenty-one (21) days after the notice of hearing and charges is served, Respondent shall submit a response to the allegations. If Respondent does not submit a timely response to the Board, the allegations will be deemed admitted.

b. At the hearing before the Board upon default, the Board and Respondent may submit testimony and/or affidavits made on personal knowledge and argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to such testimony and/or affidavits and this Stipulation.

c. At the hearing, the Board will determine whether to impose additional disciplinary action, which may include conditions or limitations upon Respondent's practice or suspension or revocation of Respondent's license.

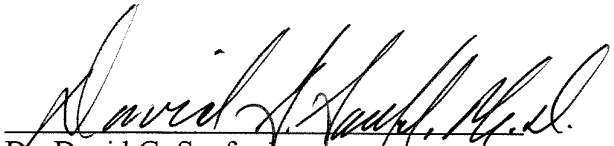
7. The Board shall have the right to make full disclosure of this Stipulation and the underlying facts relating hereto to any state, agency or individual requesting information subject to any applicable provisions of the Idaho Public Records Act, Idaho Code §§ 9-337-50.

8. This Stipulation contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above Stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I will be waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this Stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this Stipulation according to the aforementioned terms, and I hereby agree to the above Stipulation for settlement. I understand that if the Board approves this Stipulation subject to changes, and the changes are acceptable to me, the Stipulation will take effect and an order modifying the terms of the Stipulation will be issued. If the changes are unacceptable to me or the Board rejects this stipulation, it will be of no effect.

DATED this 20th day of March, 2003.

I hereby agree to the above Stipulation and Consent Order.



Dr. David G. Sanford
Respondent

I concur in this Stipulation and Consent Order.

DATED this 21st day of March, 2003.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By
Cheri Bush
Deputy Attorney General

ORDER

Pursuant to Idaho Code § 54-2305, the foregoing is adopted as the decision of the Board of Psychologist Examiners in this matter and shall be effective on the 21st day of March, 2003. **IT IS SO ORDERED.**

IDAHO STATE BOARD
OF PSYCHOLOGIST EXAMINERS

By Julie Parsons PhD
~~Anne M. Nelson, Chair~~
JULIE PARSONS, PH.D.
3/21/03

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of March, 2003, I caused to be served a true and correct copy of the foregoing by the following method to:

Dr. David G. Sanford
6010 Overland Rd.
Boise Idaho 83709

- [x] U.S. Mail
- [ ] Hand Delivery
- [x] Certified Mail, Return Receipt Requested
- [ ] Overnight Mail
- [ ] Facsimile: ____
- [ ] Statehouse Mail

Cheri Bush
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- [ ] U.S. Mail
- [ ] Hand Delivery
- [ ] Certified Mail, Return Receipt Requested
- [ ] Overnight Mail
- [ ] Facsimile: ____
- [x] Statehouse Mail

Rayola Jacobson
Rayola Jacobson, Chief
Bureau of Occupational Licenses