

**BEFORE THE BOARD OF PSYCHOLOGIST EXAMINERS
OF THE STATE OF NEW MEXICO**

IN THE MATTER OF:)	
)	
CELESTE FRANK,)	
License No. 696,)	Case No. 07-19
)	
Respondent.)	

SETTLEMENT AGREEMENT

WHEREAS, the State of New Mexico Board of Psychologist Examiners (hereafter the "Board") has issued a Notice of Contemplated Action (hereafter "NCA") in this matter to Respondent, Celeste Frank; and

WHEREAS, the parties wish to resolve this matter without the time and expense of a formal hearing.

IT IS AGREED AS FOLLOWS:

1. The Respondent is licensed under the Professional Psychologist Act, Section 61-9-1 *et seq.*, NMSA 1978, and is subject to the jurisdiction of the Board.
2. Respondent acknowledges that she is subject to disciplinary action pursuant to NMSA 1978, § 61-9-13.
3. The Board makes no determinations as to the violations alleged in the NCA. The parties agree that it is in the best interest of all concerned that these matters be resolved by way of this Settlement Agreement. Nothing in this Agreement will be construed to require a report to any national data bank.
4. The Respondent enters into this Settlement Agreement voluntarily and waives her right to have this matter heard in the manner described in the New Mexico Uniform Licensing Act, 1978 NMSA § 61-1-1 *et seq.* (Repl. Pamp. 2003), including the right to a full evidentiary hearing, the right to

confront and cross examine witnesses, and the right to an appellate process.

5. This Settlement Agreement is subject to Board approval. If the Board rejects this agreement, the Board may proceed with a full evidentiary hearing on a date scheduled by the Board and the terms of this agreement or statements made by the Respondent in support of this agreement shall **not** be used against the Respondent in such hearing.

6. The Respondent waives all rights to have this matter heard within the time frame set by the Uniform Licensing Act, § 61-1-1 *et seq.* NMSA 1978, in order for the Board to consider this Settlement Agreement.

7. The Respondent waives her right to assert a claim of bias or move to excuse any Board member based upon the Board member's consideration of this Settlement Agreement.

8. It is further agreed as follows:

a. Respondent shall maintain practice as a psychologist under the supervision of Dr. Dan Matthews for a period of twelve (12) months from the date of the Board's acceptance of this Settlement Agreement. Dr. Matthews shall at a minimum spend one (1) hour a week supervising Respondent and will be responsible for providing quarterly progress reports to the Board no later than the tenth day of the month following the end of the specific quarter. Respondent will be responsible for any costs associated with the supervision provided by Dr. Matthews.

b. Respondent shall complete three (3) hours of continuing education or three (3) hours of education with Dr. Matthews in the evidence based assessment and treatment of Attention Deficit Hyperactivity Disorder in addition to what is required for Respondent's license renewal within twelve (12) months of the Board's acceptance of this Settlement Agreement. Respondent is responsible for providing proof of earned credit or educational hours to the Board.

c. Respondent does not oppose Dr. Cobb telephoning Dr. Matthews to inform him

about issues of relevance to Respondent's supervision. The content of such discussion to considered a matter of executive privilege and immune from discovery.

9. The NCA and this Agreement are public records within the meaning of the Inspection of Public Records Act, NMSA 1978, § 14-2-6(E) (1993). Other data, communications, and information acquired by the Board relating to this matter shall be public as provided by the Professional Psychologist Act and promulgated Board regulations.

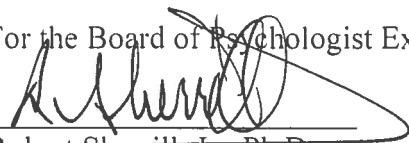
10. Respondent understands and acknowledges that any violation(s) by Respondent of this Settlement Agreement will immediately result in the filing of an Order to Show Cause as to why the Board should not find the Respondent in violation of the agreement and impose lawful sanctions including but not limited to the imposition of the remainder of the civil penalty, additional fines or penalties and/or take any other disciplinary action described in the Uniform Licensing Act.

11. This Agreement is a settlement of Board case number 07-19 and only the specific allegations contained therein. The board reserves the right to initiate proceedings for any other violations of the New Mexico Board of Psychologist Examiners Act or the Rules and Regulations of the Board adopted pursuant to that act.

Celeste Frank
Respondent

Date

For the Board of Psychologist Examiners:



Robert Sherrill, Jr., Ph.D.
Board Chairman


Date: 9 April 2010

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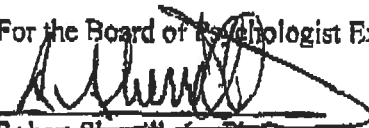
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10. Respondent understands and acknowledges that any violation(s) by Respondent of this Settlement Agreement will immediately result in the filing of an Order to Show Cause as to why the Board should not find the Respondent in violation of the agreement and impose lawful sanctions including but not limited to the imposition of the remainder of the civil penalty, additional fines or penalties and/or take any other disciplinary action described in the Uniform Licensing Act.

11. This Agreement is a settlement of Board case number 07-19 and only the specific allegations contained therein. The board reserves the right to initiate proceedings for any other violations of the New Mexico Board of Psychologist Examiners Act or the Rules and Regulations of the Board adopted pursuant to that act.


Celeste Frank
Respondent

April 9, 2010
Date

For the Board of Psychologist Examiners:

Robert Sherrill, Jr., Ph.D.
Board Chairman

Date: 9 April 2010