

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

IN THE MATTER OF:)	
)	
Sanka Samardzija, Psy.D,)	
Lic. No. 1201,)	Case No. PSY 17-1-COM
)	PSY-17-12-COM
)	
Respondent.)	

STIPULATED SETTLEMENT AGREEMENT

WHEREAS, the State of New Mexico Board of Psychologist Examiners ("Board"), enters into this settlement agreement with Sanka Samardzija, Psy.D, to resolve alleged violations of the Professional Psychologist Act and Board rules ("Complaint"); and

WHEREAS, Samardzija is willing resolve this matter amicably and without the issuance of the Notice of Contemplated Action ("NCA") as required under the Uniform Licensing Act ("ULA"), and without a hearing; and

WHEREAS, the Board believes that this Stipulated Settlement Agreement ("Agreement") is appropriate and in the best interests of both the Board and Samardzija.

IT IS STIPULATED AND AGREED AS FOLLOWS:

1. Samardzija was licensed under the Professional Psychologist Act, Section 61-9-1 *et seq.*, NMSA 1978 ("Act"), held a license pursuant to the Act ("License"), and admits to all jurisdictional facts and that Samardzija is subject to the jurisdiction of the Board.
2. Samardzija acknowledges that she is subject of the Complaints as identified below and is subject to the disciplinary authority of the Board as set forth in the Act,

expressly waives her rights under the Uniform Licensing Act and as to the Board's authority concerning the Complaints further expressly waives all rights to a hearing and right to judicial review or to contest the validity of the Board's order in any other proceeding or forum.

3. The Board makes no determination as to the violations alleged. Samardzija denies the violations alleged, but admits there is evidence that could be determined to support certain allegations. The Board has authority to enforce its regulations. The parties agree that it is in the best interest of all concerned that these matters be resolved by way of this Agreement, limited to the violations alleged in complaints filed in PSY-17-1-COM and PSY-17-12-COM ("Complaints"). Samardzija acknowledges the Board reserves the right to initiate other proceedings for any other alleged violations of the Act or Board regulations not contained in the Complaints.

4. **This Action.** The Board agrees to take no further action against Samardzija with respect to the matters alleged in the above enumerated Complaints and agrees to dismiss provided that:

A. The License expired on July 1, 2018 due to Samardzija's election not to renew the License. Samardzija voluntarily agrees that she will not attempt to restore or otherwise reinstate the License.

B. Samardzija agrees not practice as a psychologist or provide services as a psychologist without a license to practice psychology.

C. Samardzija understands, she is prohibited from practicing as a psychologist

without a license.

5. **Waivers.** Samardzija acknowledges, agrees and stipulates to the following waivers:

a. Samardzija waives her right to have these matters heard in a manner described in the Uniform Licensing Act (ULA), including a full evidentiary hearing on the charges made in the complaint against Samardzija, the right to confront and cross-examine witnesses, present any defense and the right to appeal any decision of the Board following such hearing pursuant to the provisions of the ULA including but not limited to NMSA 1978 §61-1-4(F) and NMSA 1978, §61-1-8.

b. By signing this Agreement, Samardzija understands and agrees that she waives excusal of any Board member on the grounds of bias or improper motive as a result of his or her review of this Agreement.

c. Samardzija 's waiver of these rights contained herein is made knowingly, intentionally, and voluntarily.

6. Samardzija acknowledges that the Board has the statutory authority and jurisdiction to act in this matter. Upon execution of this Agreement, Samardzija releases the Board from any claim potentially arising out of the Board's decision to investigate and take the actions described herein.

7. Failure to comply with the terms and conditions of this Agreement shall be separate and independent grounds for disciplinary action by the Board. In the event the Samardzija fails to comply with the provisions hereof, the Board shall have the right to take such action against Samardzija, as it deems appropriate under the circumstances,

including the immediate revocation of Respondent's license and the imposition of any civil or monetary penalty.

8. This Agreement is a settlement of case number PSY 17-1-COM and PSY 17-12-COM, and only the specific allegations contained therein. The Board reserves the right to initiate proceedings for any other violation of the Professional Psychologist Act or the Rules and Regulations of the Board adopted pursuant to that Act. Samardzija reserves the right to raise any defenses related to any new proceedings.

9. This Agreement is subject to Board approval. If the Board rejects this Agreement, the Board may proceed to issue a Notice of Contemplated Action in this matter.

10. Once signed by both Dr. Samardzija and the Board, this Agreement is binding upon the Board and Dr. Samardzija the date it is signed by the Board or its designee.

11. Upon the Board Chairperson affixing his signature to this Agreement indicating the Board's approval of this Agreement, a copy of this Agreement shall be mailed to Samardzija c/o her counsel (James T. Reist, Smidt Reist & Keleher, PC, 4811-A Hardware Dr NE #4, Albuquerque, NM 87109) by United States Postal Service Certified Mail. Such mailing shall fulfill the Board's obligation to notify Samardzija of the Board's acceptance of this Agreement. The time limitations for Samardzija's compliance with the requirements of this Agreement shall commence five (5) days after said mailing by the Board as such date shall be deemed receipt by Samardzija of this Agreement and the signed Order.

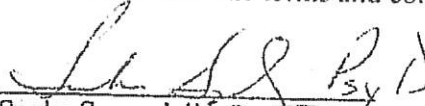
12. This Agreement is a settlement of Board and Samardzija and only for the specific

allegations contained therein. Upon fulfillment of the above requirements, the Board shall consider this matter closed and resolved.

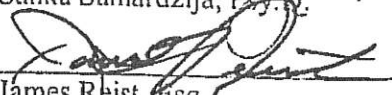
13. Samardzija understands and acknowledges that entering into this Agreement is a final act and not subject to reconsideration, judicial review or appeal.

14. Samardzija hereby acknowledges and understands this Agreement with the Board shall be a public record and reported, to the extent required by law.

15. Samardzija affirmatively states that Samardzija has read this entire Agreement and understands its terms and Samardzija's responsibilities and duties. Samardzija knowingly, intentionally and voluntarily enters into and executes this Agreement. Samardzija and the Board affirm that no promises or representations have been made other than the terms and conditions expressly stated herein.


Sanka Samardzija, Psy.D.

Date 2-15-19


James Reist, Esq.
Attorney for Sanka Samardzija, Psy.D.


Chair, Psychologist Board.

Date: 4/5/2019

Submitted by:



Ismael Camacho López AAG
Office of the Attorney General
201 Third Street, Suite 300
Albuquerque NM 87102
Telephone: (505) 717-3510
Email: icamacho@nmag.gov

Harris, Sheila, RLD

From: James Reist <jreist@srklawnm.com>
Sent: Monday, April 8, 2019 2:40 PM
To: Harris, Sheila, RLD
Subject: [EXT] RE: PSY-17-1-COM & PSY-17-12-COM Settlement Agreement

Good afternoon,

This acknowledges receipt of the signed settlement agreement. Thank you!

James T. Reist
Smidt, Reist & Keleher, P.C.
4811-A Hardware Dr. NE, Suite 4
Albuquerque, NM 87109
Telephone: 505-830-2200
Facsimile: 505-830-4400
jreist@srklawnm.com
www.srklawnm.com

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From: Harris, Sheila, RLD <sheila.harris@state.nm.us>
Sent: Monday, April 08, 2019 2:07 PM
To: James Reist <jreist@srklawnm.com>; samrdzija1123@comcast.net
Subject: PSY-17-1-COM & PSY-17-12-COM Settlement Agreement

Hello,

Please see the attached signed agreement. Please notify me of receipt of this email.

Thank you,

Sheila Harris
Compliance Liaison
Regulation & Licensing Department
Boards & Commissions Division
P.O. Box 25101
Santa Fe, NM 87504

(505) 476-4622