

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
Heber M. Wells Building
160 East 300 South, P.O. Box 146741
Salt Lake City, Utah 84114-6741
Telephone: (801) 530-6152

**BEFORE THE DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF THE LICENSE OF)	
DAVID LEE HAMBLIN)	STIPULATION AND ORDER
TO PRACTICE AS A)	
PSYCHOLOGIST)	CASE NO. DOPL 2000-188
IN THE STATE OF UTAH)	

STIPULATION

DAVID LEE HAMBLIN ("Respondent") and the **DIVISION OF OCCUPATIONAL
AND PROFESSIONAL LICENSING of the Department of Commerce** (the "Division")

stipulate and agree as follows:

1. Respondent is licensed by the Division of Occupational and Professional Licensing to practice as a Psychologist.
2. Respondent admits the jurisdiction of the Division over him and over the subject matter of this action.

3. Respondent acknowledges that he enters into this Stipulation knowingly and voluntarily and that no threat has been made by any representative of the Division or of the Attorney General's Office to induce him to enter into this Stipulation.

4. Respondent acknowledges that he has the right to retain legal counsel to assist him in this matter, and, by signing this Stipulation, Respondent represents that he has either sought the advice of counsel or has knowingly waived that right.

5. Respondent acknowledges that he has a right to receive a Petition and Notice of Agency Action, and, by signing this Stipulation, he waives that right.

6. Respondent understands that he is entitled to a hearing before the Utah state Psychologist Licensing Board (the "Board"). At said hearing, Respondent understands that he may present to the Board evidence on his behalf, present his own witnesses and confront adverse witnesses.

7. By signing this Stipulation, Respondent acknowledges that he knowingly and voluntarily waives the following:

- a. the right to a hearing before the Board to contest, dispute or otherwise challenge a Petition of the Division,
- b. the right to present evidence on his behalf,
- c. the right to present witnesses on his behalf,
- d. the right to confront adverse witnesses, and
- e. such other rights to which Respondent may be entitled in connection with said hearing.

8. Respondent admits he has had intimate relationships with several patients during clinical therapy sessions and claimed to some of these patients that the intimacy was therapeutic to them.

9. Respondent acknowledges that Utah Code Ann. § 58-1-401 (1998)

provides in relevant part as follows:

* * *

(2) The division may refuse to issue a license to an applicant and may refuse to renew or may revoke, suspend, restrict, place on probation, issue a public or private reprimand to, or otherwise act upon the license of any licensee in any of the following cases:

(a) the applicant or licensee has engaged in unprofessional conduct, as defined by statute or rule under this title.

* * *

10. Respondent acknowledges that Utah Code Ann. § 58-1-501(2) (1998)

defines "unprofessional conduct" in relevant part as follows :

* * *

(g) practicing or attempting to practice any occupation or profession regulated under this title through gross incompetence, gross negligence, or a pattern of incompetency or negligence.

(k) verbally, physically, mentally, or sexually abusing or exploiting any person through conduct connected with the licensee's practice under this title or otherwise facilitated by the licensee's license.

11. Respondent acknowledges that Utah Administrative Code R 156-61-502

(1998) defines "unprofessional conduct" in relevant part as follows:

* * *

(6) failing to establish and maintain appropriate professional boundaries with a client or former client;

(7) engaging in dual or multiple relationships with a client or former client in which there is a risk of exploitation or potential harm to the client;

(8) engaging in sexual activities or sexual contact with a client with or without client consent;

(9) engaging in sexual activities or sexual contact with a former client within two years of documented termination of services;

(10) engaging in sexual activities or sexual contact at any time with a former client who is especially vulnerable or susceptible to being disadvantaged because of the client's personal history, current mental status, or any condition which could reasonably be expected to place the client at a disadvantage recognizing the power imbalance which exists or may exist between the psychologist and the client;

* * *

12. Respondent acknowledges that his conduct constitutes "unprofessional conduct" pursuant to Utah Code Ann. § 58-1-501(2) (1998) and Utah Administrative Code R 156-61-502 (1998) and therefore grounds for imposing discipline against his license pursuant to Utah Code Ann. § 58-1-401 (2) (1998).

13. Respondent agrees an Order may be entered in this matter revoking his license.

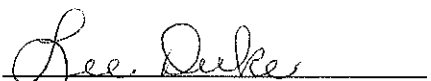
14. Respondent agrees not to reapply for licensure for five (5) years. Respondent understands that should he ever reapply for licensure, the Division's entire investigation file shall be available to evaluate Respondent's character and ability to safely practice.

15. Respondent acknowledges that, upon acceptance by the Director of the Division, this Stipulation and Order shall be the final compromise and settlement of this matter.

17. Respondent acknowledges that the Director of the Division is not required to accept the terms of this Stipulation and Order, and, if the Director does not do so, this Stipulation and the representations contained therein shall be null and void.

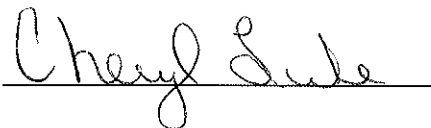
18. The Division and Respondent waive any claim that the Director of the Division is biased due to his review and consideration of this Stipulation and Order.

19. This document constitutes the entire agreement between the parties and supersedes any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements which modify, interpret, construe or affect this Stipulation.



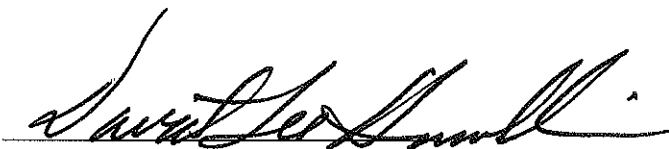
Lee Duke
Bureau Manager
Division of Occupational and
Professional Licensing

Dated: October 23, 2000



Cheryl Luke
Assistant Attorney General

Dated: October 20, 2000




David Lee Hamblin
Respondent

Dated: 20 October 2,000

ORDER

THE STIPULATION ABOVE, which is approved by the Division of Occupational and Professional Licensing, constitutes my Findings of Fact and Conclusions of Law in this matter. The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 23 day of October 2000.


A. GARY BOWEN,
Director
Division of Occupational
and Professional Licensing