

SEP-08

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**TEXAS STATE
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EXAMINERS OF
PSYCHOLOGISTS**

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August 25, 2005

VIA FACSIMILE (475-4994)

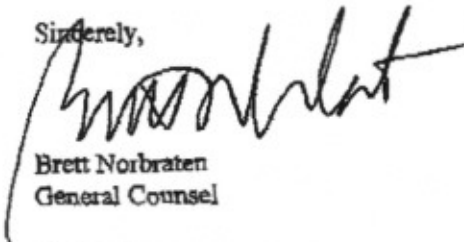
Mr. Rommel Corro
Docket Clerk
State Office of Administrative Hearings
300 West 15th Street, Suite 504
Austin, Texas 78701

RE: In the Matter of Jack G. Ferrell, Ph.D. Notice of Hearing.
SOAH Docket No. 520-05-8842.

Dear Mr. Corro:

Enclosed for filing is the Board's Revised Notice of Hearing and Complaint in the above-referenced case (pursuant to James McClendon's August 24, 2005 letter). A copy is being sent by certified mail to the licensee. Should you have any questions, please do not hesitate to contact the Board's Office.

Sincerely,


Brett Norbraten
General Counsel

Enclosure

Cc: Jack G. Ferrell, Ph.D. VIA CERTIFIED MAIL.

SOAH Docket No. 520-05-8842
License No. 20880 (Licensed Psychologist)
TSBEP Complaint Nos. 03-026-4034 and 04-075-4034

TEXAS STATE BOARD OF	§	BEFORE THE STATE
EXAMINERS OF PSYCHOLOGISTS	§	
v.	§	OFFICE OF
JACK G. FERRELL, Jr., Ph.D.	§	
RESPONDENT	§	ADMINISTRATIVE HEARINGS

REVISED NOTICE OF HEARING

Notice is hereby given in accordance with TEX. GOV'T. CODE Chapter 2001 and 1 TEX. ADMIN. CODE Chapter 155 in the aforementioned and styled cause of action that a hearing will be held before an Administrative Law Judge with the State Office of Administrative Hearings on October 31 - November 1, 2005, beginning at 9:00 a.m. each day, at the William Clements Building, 300 W. 15th Street, Suite 504, Austin, Texas 78701.

The purpose of said hearing will be to determine whether Jack G. Ferrell, Jr., Ph.D., (Respondent) has violated the Psychologists' Licensing Act, TEX. OCCUPATIONS CODE, Chapter 501, and the Rules and Regulations of the Texas State Board of Examiners of Psychologists (22 TEX. ADMIN. CODE §§461-469). These alleged acts are more fully described in the actual Complaint, attached to this Notice of Hearing and incorporated herein for all purposes.

The hearing is being conducted under authority of Title 3, Subtitle I, Chapter 501 of the Texas Occupations Code, hereinafter the Psychologist's Licensing Act, TEX. GOV'T. CODE ANN., Chapter 2001, and 1 TEX. ADMIN. CODE, Chapter 155.

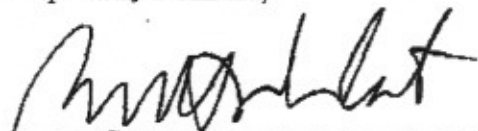
The Complaint is based on information received by the Board. You are hereby notified that such documentation, which includes certified business records generated and kept by the Board, is now on file and available for your inspection at the Board's office during regular business hours prior to said hearing. The Board's office is located at 333 Guadalupe, Suite 2-450, Austin, Texas 78701, and an appointment to inspect said documents can be made by contacting the Board at (512) 305-7700.

When applicable, the staff will propose that the administrative law judge take official notice of the following: federal and state laws relating to the practice of psychology, former Proposals For Decisions entered by an Administrative Law Judge of the State Office of Administrative Hearings, former Orders of the Board, and Board policies.

Respondent has the right to be present at this hearing and to be represented by legal counsel. An Administrative Law Judge will be presiding at the hearing. All parties may present evidence and argument to the Administrative Law Judge regarding the charges noted above and in the attached formal Complaint. You are invited and urged to appear. Your failure to appear will not prevent the Administrative Law Judge from proposing a decision or the Board from taking disciplinary action.

PURSUANT TO SOAH RULE 155.55, UPON YOUR FAILURE TO APPEAR AT THE HEARING, THE FACTUAL ALLEGATIONS IN THIS NOTICE AND ATTACHED COMPLAINT WILL BE DEEMED ADMITTED AS TRUE AND THE RELIEF SOUGHT THEREIN MAY BE GRANTED BY DEFAULT.

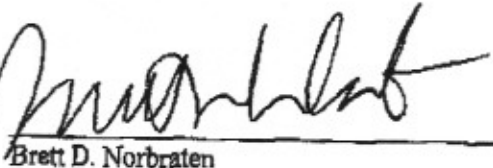
Respectfully submitted,



Brett D. Norbraten
Texas State Bar No. 24002697
General Counsel
Texas State Board of Examiners
of Psychologists
333 Guadalupe, Suite 2-450
Austin, Texas 78701
(512) 305-7700
FAX (512) 305-7701

CERTIFICATE

I hereby certify that a true and correct copy of the foregoing Revised Notice of Hearing and attached Complaint was sent by certified mail #7004 1160 0005 6318 3267, return receipt requested, to Respondent Jack G. Ferrell, Jr., Ph.D., at the following address: 14310 Northbrook, Suite 120; San Antonio, Texas 78258, on this, the 25th day of August, 2005.



Brett D. Norbraten

TEXAS STATE BOARD OF
EXAMINERS OF PSYCHOLOGISTS

v.

JACK G. FERRELL, Jr., Ph.D.
RESPONDENT

§ BEFORE THE STATE
§
§ OFFICE OF
§
§ ADMINISTRATIVE HEARINGS

COMPLAINT

COMES NOW, the Texas State Board of Examiners of Psychologists (Board), and makes this Complaint against Jack G. Ferrell, Jr., Ph.D. (Respondent), based on the alleged violations of Title 3, Subchapter I, Chapter 501 of the TEXAS OCCUPATIONS CODE, (the Psychologists' Licensing Act), hereinafter "the Act." The Board shall institute disciplinary action and provide for a hearing on the alleged violations as mandated by §501.403 of the Act, 22 TAC §§470.1-470.24, TEX. GOV'T CODE ANN. §§ 2001.001 et seq., and 1 TEX. ADMIN. CODE, Chapter 155. In support of this Complaint and based on information and belief, the Board charges and alleges the following:

I.

Respondent currently holds, and has held at all times relevant to this matter, Board License Number 20880 (licensed psychologist) and is subject to the jurisdiction of the Board under the Psychologists' Licensing Act.

II.

STATEMENT OF FACTS

1. In complaint No. 03-026-4034, Respondent provided psychological services in the form of child custody evaluation for a family (mother, father, child), culminating in a report produced by Respondent in August 2003 that contained numerous inaccuracies, misstatements, and unsubstantiated allegations. As a result of the numerous inaccuracies and disparate treatment of test results that are uniformly negative as against the Complainant, the Board finds that the Respondent's objectivity in providing the above-referenced psychological services was compromised.

2. In complaint No. 04-075-4034, Respondent was arrested by the San Antonio Police Department on April 21, 2004, and was subsequently charged with Driving While Intoxicated (DWI) and violation of the open container laws. Respondent did not timely report this arrest/charges as required by Board Rule 469.11.
3. The Board has attempted to resolve the above-referenced Complaint using its informal conference and Agreed Order processes. The Board is willing to submit to any SOAH-facilitated mediation procedures to continue to resolve this case without need for a full contested case hearing.

III. ALLEGED VIOLATIONS

1. Respondent's conduct as described in paragraphs II(2) through II(6) above represent violations of the following Board Rules in effect at the time of the conduct:
 - (a) 465.9 pertaining to competency,
 - (b) 465.10 pertaining to bases for professional judgments,
 - (c) 465.13 pertaining to conflicts that affect objectivity,
 - (d) 465.16(b) and (c) pertaining to the validity of and limitations on assessments,
 - (e) 465.18 concerning substantiation of forensic opinions, and
 - (f) 469.11 pertaining to the reporting of criminal actions.
2. The above-referenced Statement of Facts and Rules are subject to amendment.

IV. PRAYER

WHEREFORE, PREMISIS CONSIDERED, the Texas State Board of Examiners of Psychologists prays that a hearing on this complaint will be heard and that the administrative law judge shall make findings of fact and conclusions of law that Respondent violated Board Rules and the Psychologists' Licensing Act, and to grant the Board all other relief to which it may be entitled under the Administrative Procedure Act, Rules of SOAH, and the Act and Rules of the Board.