

SETTLEMENT AGREEMENT  
BETWEEN THE STATE COMMITTEE OF PSYCHOLOGISTS  
AND  
TIMOTHY A. POST

Timothy A. Post ("Post") and the State Committee of Psychologists ("Committee") enter into this Settlement Agreement ("Agreement") for the purpose of resolving the question of whether Post's Missouri license number 2004013228 as a psychologist is subject to discipline.

Pursuant to the terms of § 536.060, RSMo, the parties hereto waive the right to a hearing by the Administrative Hearing Commission of the State of Missouri and, additionally, the right to a disciplinary hearing before the Committee under § 621.110, RSMo, and stipulate and agree that a final disposition of this matter may be effectuated as described below.

Post acknowledges that he understands the various rights and privileges afforded him by law, including the right to a hearing of the charges against him; the right to appear and be represented by legal counsel; the right to have all charges against him proven upon the record by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing against him; the right to a decision upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against him and, subsequently, the right to a disciplinary hearing before the Committee at which time he may present evidence in mitigation of

discipline; and the right to recover attorney's fees incurred in defending an action against his license. Being aware of these rights provided him by operation of law, Post knowingly and voluntarily waives each and every one of these rights and freely enters into this Agreement. Post further agrees to abide by the terms of this Agreement as they pertain to him.

Post acknowledges that he has received a copy of the Complaint filed by the Committee at the Administrative Hearing Commission, case no. 15-1059 SW. For the purpose of settling their dispute, Post and the Committee agree that Post's license number 2004013228 is the subject of a disciplinary action by the Committee and is subject to disciplinary action by the Committee in accordance with provisions of Chapter 621, RSMo, and Chapter 337, RSMo.

The parties stipulate that this settlement agreed to by the Committee and Post is based solely on the facts set forth herein.

### **Joint Agreed Findings of Fact**

1. The State Committee of Psychologists is an agency of the State of Missouri created and established pursuant to § 337.050, RSMo, for the purpose of upholding and carrying out the provisions of §§ 337.010 - .093, RSMo, as amended, relating to psychologists.

2. Timothy A. Post is licensed by the Committee as a psychologist, license number 2004013228. Post's license was originally issued on June 3, 2004. Respondent's license has remained current and active at all times since its initial issue except for the period between June 11, 2012 to July 18, 2012, and July 21, 2014 to October 2, 2014, during which his license was suspended for failure to comply with Missouri's tax laws per § 324.010, RSMo.

3. On or about January of 2012, S.D.<sup>1</sup> entered into a psychologist/client relationship with Post for the purpose of Post conducting an evaluation to provide to the Law School Admission Council ("LSAC") for determining whether S.D. met the requirements for special accommodations for taking the Law School Admissions Test.

4. Post was aware of the deadline for submission of the LSAC form.

5. Post conducted assessments of S.D. in February and March of 2012.

6. Post failed to timely complete and submit the LSAC form.

7. Post had a relationship of professional trust and confidence with S.D., in that S.D. relied on Post as a licensed psychologist to perform the psychological services to which they agreed in a timely manner.

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<sup>1</sup>The client that is the subject of the complaint in this matter is referred to as S.D. in order to protect that client's privacy.

8. Respondent violated that relationship of professional trust and confidence by failing to timely complete and submit the LSAC form.

#### **Joint Agreed Statement of Law**

Section 337.035, RSMo, sets forth the grounds upon which a psychologist licensed by the Committee may be disciplined, and states in part:

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

(13) Violation of any professional trust or confidence;

#### **Joint Agreed Settlement**

Based upon the foregoing, the parties mutually agree and stipulate that the following shall constitute the resolution of this matter between Post and the Committee under the authority of § 337.035.2, RSMo, and § 621.045.4, RSMo:

1. Post's license number 2004013228 as a psychologist in Missouri is hereby voluntarily surrendered in lieu of formal disciplinary action.

2. Post understands and agrees that this Agreement will be reported by the Committee to the National Practitioners Data Bank as an action in lieu of discipline.

3. Post understands and agrees that by surrendering his license, his license number 2004013228 ceases to exist for the purposes of regaining licensure as a psychologist in the State of Missouri and, should Post apply for licensure as a psychologist in the State of Missouri in the future, he must meet the licensure requirements under the laws in effect at the time of application.

4. Post understands and agrees that, if he applies for licensure as a psychologist in the State of Missouri in the future, all information gathered by the Committee prior to this surrender concerning any alleged violations of Chapter 337, RSMo, and/or any discipline pending against his license whether in Missouri or another state, may be considered in the Committee's decision of whether to grant a new license.

5. Within 10 days of the effective date of this Agreement, Post shall return all indicia of Missouri licensure to the Committee, including, but not limited to, any wall-hanging and pocket card licenses.

6. Within 10 days of the effective date of this Agreement, the Committee agrees to dismiss its complaint pending against Post at the Administrative Hearing Commission, case number 15-1492 PS.

7. The parties to this Agreement understand and agree that the Committee will maintain this Agreement as an open record of the Committee as provided in Chapters 337, 610, and 620, RSMo.

8. Each party agrees to pay their own fees and expenses incurred as a result of this case, its investigation, its litigation, and its settlement.

9. The terms of this Agreement are contractual, legally enforceable, and binding, not merely recital. Except as otherwise contained herein, neither this Agreement nor any of its provisions may be changed, waived, discharged, or terminated except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.

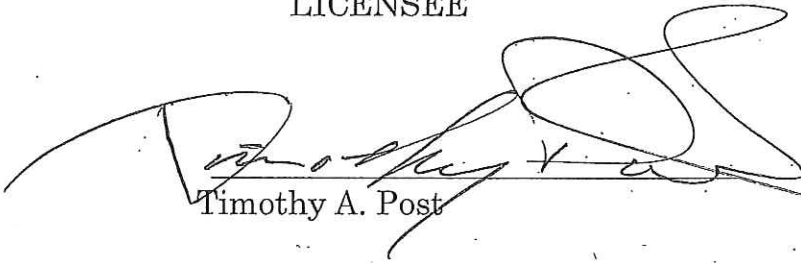
10. Post hereby waives and releases the Committee, its members, and any of its employees, agents, or attorneys including any former Committee members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including, but not limited to, any claims for attorney's fees and expenses, including any claims pursuant to § 536.087, RSMo, or any claim


arising under 42 U.S.C. § 1983; which may be based upon, arise out of, or relate to any of the matters raised in this litigation, or from the negotiation or execution of this Agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this Agreement in that it survives in perpetuity even in the event that any court of law deems this Agreement or any portion thereof void or unenforceable.

11. This Agreement shall become effective 15 days after the Agreement is signed by the Executive Director of the Committee.

LICENSEE

COMMITTEE

  
Timothy A. Post

  
Pamela Groose  
Executive Director  
State Committee of Psychologists

Date: 2/22/17

Date: March 6, 2017

**Effective: 3/21/2017**

