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JEFF S. MASIN
DEPUTY DIRECTOR
ADMINISTRATIVE LAW JUDGE

Fax. No. (609) 588-3730

September 5, 1997

SEP - 9 1997

Joan D. Gelber
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Dept. of Law & Public Safety
Division of Law, P.O. Box 45029
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FILED WITH THE
PSYCHOLOGICAL EXAMINERS
ON September 9, 1997

Re: Peter Verniero, Attorney General of New Jersey v. Allen P. Blasucci, Psy. D., and Luis R. Nieves, Psy. D.
OAL DKT. NO. BDS 2394-96
AGENCY DKT. NO. N/A

Dear Counsel:

I received a letter from DAG Gelber concerning some corrections to the evidence list and the body of the initial decision in the above matter. Although I do not have the exhibits in my possession, a review of my copy of the decision does indicate that Ms. Gelber is correct in regard to the listing of the several financial records which were exhibits C-78, D, G, H, M, P, Q, R, S, T, W, and X, as parts of C-78 and not as parts of C-79, which is the Notice of Eligible Determinations. In addition, she is of course correct with regard to the reference in C-65 to the letter from Leslie G. Aronson to Ms. Karen Geller.

The writing on the copy of C-64 which she presents to me is not mine. I do not have the original document which was marked at the hearing and cannot comment at this time on whether or not C-64 was in fact placed in evidence. As for the voucher from Frieda Rosner for $6.00, I do not have this at the current time, but I assume that counsel is correct that this also was offered and should have been included as an exhibit.

Finally, as the typographical errors numbers 1, 2 and 3, they are all proper corrections. As to number 4 on page 76 and number 6 on page 128, the best that I can say is that the transcript will speak for itself. Number 5 is a proper correction.

I hope that the above will be helpful to all concerned.

Yours very truly,

Jeff S. Masin

mjm
c Paul C. Brush, Executive Dir., Bd. of Psych. Examiners
Joanne Restivo, Deputy Clerk

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August 19, 1997

Hon. Jeff S. Masin, A.L.J.
Office of Administrative Law
CN 049, Quakerbridge Plaza
Trenton, NJ 08625

Re: Matter of Nieves and Blasucci
OAL Docket No. BDSPE 02394-96S
EVIDENCE EXHIBIT C-91

Dear Judge Masin:

In reviewing the Initial Decision and the attached evidence list, I find a few items which I believe may be typographical errors, and respectfully ask your review so that the Board of Psychological Examiners will have the benefit of it when it conducts final review of the Decision and Exceptions on September 22, 1997.

In the official evidence list, C-64 is listed as for identification only. The copy in my file, a letter of June 22,1992 from Dr. Blasucci to the Board of Psychological Examiners, is marked C-64 EV although without a signature of the Court. There are three forms of handwriting on the letter, none of them mine. I enclose a copy for your review and consideration.

C-65 EV is undoubtedly intended to read: Letter of July 22, 1992 <u>from</u> Leslie G. Aronson, Executive Director, to <u>Ms</u> Karen Geller (not Mr. Karen Geller).

C-78 EV is identified only as a series of financial records. Eleven of them, with their assigned alphabetical letters, were marked into evidence. Those letters: D, G, H, M, P, Q, R,S,T,W,X, are in fact shown on the Evidence List but are erroneously placed as part of C-79 which was the Notice of Eligible Determinations re Carolyn Morfino.

C-169 EV which includes items a, b, c, and d. is a group of trial travel expenses incurred by Complainant's witnesses. However, we had submitted shortly after trial a $6.00 voucher received from Frieda Rosner, Ph.D., to which defense attorney Steven Blader had no objection. Did Your Honor make a determination on whether to include that item?

In addition, I believe there are a few typographical errors in the Initial Decision which I respectfully ask the Court to consider:

1. Page 37, mid-page, reference to CG should be to "her", not him. This client was female.
2. Page 40, mid-page, reference to KiJ should be "her", not him. This client was female.
3. Page 73, near bottom, should be "Keep it quiet", not "keep it quite."
4. Page 76, 2nd par. from bottom, should say Karen Geller, not Angela Heller. Although Angela Heller did testify as to these matters, she was describing her observations of Dr. Blasucci's conduct toward the first clinician, Dr. Karen Geller.
5. Page 99, 1st par., should say Angela Heller, not Andrea.
6. Page 128, mid-page, two places, I believe should say Heller, not Geller. According to my notes, it was Ms Heller - and Dr. Aita - who gave such testimony.

Your review will be most appreciated.

Although my office does plan to file very limited Exceptions, I thank the Court for Your Honor's extremely sensitive and thoughtful analysis of the broad range of issues addressed in the Initial Decision. It is the most interesting and impressive such document I have ever received. It was an honor and privilege to have appeared before you.

Respectfully submitted

PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

By: Joan D. Gelber
Joan D. Gelber
Deputy Attorney General

c: Steven Blader, Esq., counsel for Respondents

11 Records

C CY EV

June 22, 1992

Jeannette V. Balber
Executive Director
State of New Jersey
Department of Law and Public Safety
Board of Psychological Examiners
P.O. Box 45017
Newark, NJ 07101

Re: Karen Geller

Dear Mrs. Balber:

Sorry for the delaying in responding to the open questions from the Board Meeting of June 8, 1992. The following should adequately address the issues:

1. The clinician refused the patient information was Angela Heller. Ms. Heller was told by Dr. Geller that she would not release any information due to the litigation proceedings.

2. The following are the dates of testing and dates reports received on each of the five children discussed in the 3/18/91 memo. The transcripts of the evaluations were received on 7/21/92.

	Date Tested
Charlene	2/12/91
Ben	2/7/91
	2/14/92
	2/21/92
	3/14/92
Robert	3/5/92
	3/6/92
Kenneth	1/29/91
	1/31/91
Angela	1/14/92

3. The "on-call" responsibility was Dr. Geller's alone for the five children from September, 1990 to January, 1991. Once Ms. Heller was hired (and additional children admitted to the program), it was shared between them.

4. Attendance records enclosed.

I hope this information is helpful in your deliberations and resolution of this matter.

Sincerely,

Allen P. Blasucci, Psy.D., ABPP
Diplomate, Clinical Psychology

APB/jg