CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Psychological Examiners
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May 22, 2014

By Certified and Regular Mail

Dr. Brian Lawrence Farran, Ph.D.
8 Speir Drive
South Orange, NJ 07079

FILED WITH THE BOARD OF PSYCHOLOGICAL EXAMINERS ON June 27, 2014
J Michael Walker

Re: OFFER OF SETTLEMENT IN LIEU OF FORMAL DISCIPLINARY COMPLAINT

Dear Dr. Farran:

This letter is to advise you that the New Jersey State Board of Psychological Examiners ("the Board") has had an opportunity to review information concerning an alleged breach of confidentiality. In its review of the information, the Board noted that you prepared and submitted a "Best Interest Evaluation" to the court on behalf of your client. While your intent was to write a letter in support of your client, your correspondence to the court exceeded this role by containing information regarding a parent whom you had not observed at all and your comments included a discussion of the client as a parent in a role that you have had not observed. Additionally, you confirmed that you had neither forensic training nor experience.

Upon review of all available information, it appears to the Board that the correspondence you submitted to the court potentially created a dual relationship as you took on a forensic role while acting as the therapist for one of the parties in violation of N.J.A.C. 13:42-12.3(b). The board also found that you failed to obtain a consent form from your client to permit you to speak to her spouse. However, The Board did not find that a breach of confidentiality occurred in this matter.

At this juncture, the Board has preliminarily concluded that the above violation is sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that decision, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of disciplinary proceedings, should you consent to:

1. You are cautioned to cease from conducting best interest evaluations in the future without first obtaining proper forensic training and experience.

2. A civil penalty of $250 is imposed and the full amount of this penalty has been stayed based on representations that you recognized the error that was made in preparing and submitting said evaluation although it was your intentions to assist a client. Additionally, you sought peer supervision in your practice as a corrective action to assist you in evaluating situations which may constitute potential boundary violations and dual relationships and have assured the Board that you

will not prepare or submit forensic reports without obtaining necessary training and experience.

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. Upon your signature, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate enforcement violations. If an evidentiary hearing is deemed warranted the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed the Board may assess civil penalties in an amount greater than herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order, requiring you to reimburse certain monies and/or requiring you to pay costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact your attorney, Mr. John Mullahy, Esqure who can relate your concerns to Deputy Attorney General, Carmen A. Rodriguez at 973-648-3696.

If you elect to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it to the Board within 15 days following receipt of this letter. In the event the Board receives no response from you within 15 days, the Board's settlement letter will be withdrawn, and the matter will be referred to the Attorney General's office for the initiation of appropriate enforcement proceedings.

NEW JERSEY STATE BOARD OF
PSYCHOLOGICAL EXAMINERS

By: J. Michael Walker
J. Michael Walker
Executive Director

ACKNOWLEDGMENT: I, Brian Lawrence Farran, Ph.D., hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which was charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to be cautioned against preparing and submitting evaluative reports without first obtaining forensic experience and training and understand that the penalty imposed has been stayed based on the mitigation presented.

Dated: June 11, 2014 Brian Lawrence Farran, PhD
Brian Lawrence Farran, Ph.D

C: John Mullahy, Esquire
Carmen A. Rodriguez, DAG