

SOAH Docket No. 520-09-2882
License No. 21909 (Licensed Psychologist)
TSBEP Complaints No. 07-213-3967, No. 08-029-3967, No. 09-054-3697, No. 09-065-3967,
No. 09-072-3967, No. 09-077-3967, No. 09- 111-3967, No. 09-195-3967

TEXAS STATE BOARD OF	§	BEFORE THE STATE
EXAMINERS OF PSYCHOLOGISTS	§	
v.	§	OFFICE OF
GEORGE C. DENKOWSKI, Ph.D.	§	
RESPONDENT	§	ADMINISTRATIVE HEARINGS

SETTLEMENT AGREEMENT

Pursuant to its authority under TEX. OCC. CODE ANN. § 501.410 (Psychologists' Licensing Act or "the Act") and TEX. GOV. CODE ANN. § 2001.056, the Texas State Board of Examiners of Psychologists (the Board) hereby approves and enters into this Settlement Agreement and Agreed Order with George C. Denkowski, Ph.D. ("Dr. Denkowski"), and which constitute a full settlement, compromise and final disposition of all complaints currently pending against Dr. Denkowski¹ before the Board as well as the contested matters on SOAH Docket No. 520-09-2882.

FINDINGS

1. Dr. Denkowski is licensed as a psychologist (#21909) and is, therefore, subject to the jurisdiction of the Board under the Act.
2. Dr. Denkowski provided forensic psychological services in capital murder *Atkins* proceedings, having been retained to evaluate certain convicted capital murder Defendants for the existence of mental retardation (intellectual disability).
3. Dr. Denkowski does not admit that he violated any law or Board rule; however, in the interests of resolving this complex litigation and all pending matters before the Board to avoid the expense and uncertainty of further legal proceedings, he has agreed to the terms of this Settlement Agreement.
4. This is a Settlement Agreement under the Texas Rules of Civil and Criminal Evidence, and is not admissible for any purpose in civil or criminal litigation, including but not limited to any *habeas corpus* or other proceedings seeking to re-litigate an Order that a

¹ TSBEP Complaints No. 07-213-3967, No. 08-029-3967, No. 09-054-3697, No. 09-065-3967, No. 09-072-3967, No. 09-077-3967, No. 09- 111-3967, No. 09-195-3967

convicted capital murder defendant was or was not mentally retarded.

CONCLUSIONS OF LAW

1. Dr. Denkowski voluntarily received a license from the Board and, therefore, is bound by the provisions of the Act and Rules of the Board.
2. Violation of certain Board rules constitutes grounds for entry of this Settlement Agreement and Agreed Order pursuant to TEX. OCC. CODE ANN. § 501.410 and TEX. GOV. CODE ANN. § 2001.056.
3. Based upon the above Findings, Dr. Denkowski has violated Board Rule 465.18(a)(4) pertaining to forensic services.

ORDER

- I. Dr. Denkowski's license No. 21909 is hereby REPRIMANDED.
- II. Dr. Denkowski, by signing this Settlement Agreement, hereby agrees that he shall not accept any engagement to perform forensic psychological services in the evaluation of subjects for mental retardation or intellectual disability in criminal proceedings.
- III. Dr. Denkowski is assessed an administrative penalty in the amount of one thousand, five hundred and no/dollars (\$1,500.00), and costs of \$500 for each of the eight (8) cases for a total of five thousand, five hundred dollars (\$5,500.00), and will pay same within 90 days of the ratification of this Order by the Board.
- IV. Dr. Denkowski shall comply with all state and federal statutes and regulations pertaining to the practice of psychology.
- V. The Board agrees to and will enter a Dismissal with Prejudice of its First Amended Complaint on file before the State Office of Administrative Hearings, SOAH Docket No. 520-09-2882 as a result of this Settlement Agreement. Further, the Board agrees that it will completely close and will not prosecute Dr. Denkowski further for any complaints currently pending.
- VI. Dr. Denkowski waives his right to a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH) pertaining to matters docketed as SOAH Docket No. 520-09-2882.
- VII. This is a Settlement Agreement under the Texas Rules of Civil and Criminal Evidence, and is not admissible for any purpose in civil or criminal litigation, including but not

limited to any *habeas corpus* or other proceedings seeking to re-litigate an Order that a convicted capital murder defendant was or was not mentally retarded.

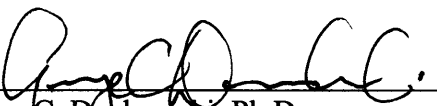
THE RESPONDENT, GEORGE C. DENKOWSKI, PH.D., BY SIGNING THIS ORDER AGREES TO THE TERMS OF THE ORDER, ACKNOWLEDGES UNDERSTANDING OF THE MATTERS STATED HEREIN, AND AGREES TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER.

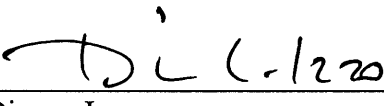
FOR THE RESPONDENT:

FOR THE STAFF OF THE BOARD:

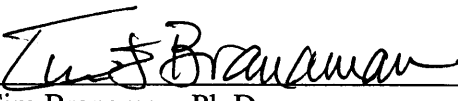
DATE: 3-4-2011

DATE: 3/4/11


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2710 Heritage Hills Drive
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Dianne Izzo
Texas State Board of Examiners of
Psychologists
333 Guadalupe, Suite 2-450
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APPROVED AND SIGNED THIS 14 DAY OF April, 2011


Tim Branaman, Ph.D.
Chair, Texas State Board of Examiners of
Psychologists