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9  
10 **BEFORE THE**  
**BOARD OF PSYCHOLOGY**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 600-2020-000986

14 **ROBERT R. KRASZEWSKI, Ph.D.**  
15 **1619 E. Chapman Ave**  
**Fullerton, CA 92831-4015**

**ACCUSATION**

16 **Psychologist License No. PSY 14044**

17 Respondent.

18  
19  
20 **PARTIES**

21 1. Antonette Sorrick (Complainant) brings this Accusation solely in her official capacity  
22 as the Executive Officer of the Board of Psychology, Department of Consumer Affairs.

23 2. On or about August 19, 1994, the Board of Psychology issued Psychologist License  
24 No. PSY 14044 to Robert R. Kraszewski, Ph.D. (Respondent). The Psychologist License was in  
25 full force and effect at all times relevant to the charges brought herein. The Psychologist License  
26 expired on February 28, 2022, and has not been renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board of Psychology (Board), Department of  
3 Consumer Affairs, under the authority of the following laws. All section references are to the  
4 Business and Professions Code (Code) unless otherwise indicated.

5 4. Section 118 of the Code states, in pertinent part:

6 ...

7 (b) The suspension, expiration, or forfeiture by operation of law of a license  
8 issued by a board in the department, or its suspension, forfeiture, or cancellation by  
9 order of the board or by order of a court of law, or its surrender without the written  
10 consent of the board, shall not, during any period in which it may be renewed,  
11 restored, reissued, or reinstated, deprive the board of its authority to institute or  
12 continue a disciplinary proceeding against the licensee upon any ground provided by  
13 law or to enter an order suspending or revoking the license or otherwise taking  
14 disciplinary action against the licensee on any such ground.

15 5. Section 2960 of the Code states, in pertinent part:

16 The board may refuse to issue any registration or license, or may issue a  
17 registration or license with terms and conditions, or may suspend or revoke the  
18 registration or license of any registrant or licensee if the applicant, registrant, or  
19 licensee has been guilty of unprofessional conduct. Unprofessional conduct shall  
20 include, but not be limited to:

21 ...

22 (h) Willful, unauthorized communication of information received in  
23 professional confidence.

24 ...

25 (j) Being grossly negligent in the practice of his or her profession.

26 (k) Violating any of the provisions of this chapter or regulations duly adopted  
27 thereunder.

28 ...

(o) Any act of sexual abuse, or sexual relations with a patient or former patient  
within two years following termination of therapy, or sexual misconduct that is  
substantially related to the qualifications, functions or duties of a psychologist or  
psychological assistant or registered psychologist.

...

6. Unprofessional conduct under section 2960 of the Code includes, without limitation,  
“that conduct which breaches the rules or ethical code of a profession, or conduct which is  
unbecoming a member in good standing of a profession.” (*Rand v. Board of Psychology* (2012))

1 206 Cal.App.4th 565, 582 [quoting *Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d  
2 564, 575].)

3 7. Section 2960.1 of the Code states:

4 Notwithstanding Section 2960, any proposed decision or decision issued under  
5 this chapter in accordance with the procedures set forth in Chapter 5 (commencing  
6 with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, that  
7 contains any finding of fact that the licensee or registrant engaged in any act of sexual  
8 contact, as defined in Section 728, when that act is with a patient, or with a former  
9 patient within two years following termination of therapy, shall contain an order of  
10 revocation. The revocation shall not be stayed by the administrative law judge.

11 8. Section 726 of the Code states:

12 (a) The commission of any act of sexual abuse, misconduct, or relations with a  
13 patient, client, or customer constitutes unprofessional conduct and grounds for  
14 disciplinary action for any person licensed under this or under any initiative act  
15 referred to in this division.

16 (b) This section shall not apply to consensual sexual contact between a licensee  
17 and his or her spouse or person in an equivalent domestic relationship when that  
18 licensee provides medical treatment, to his or her spouse or person in an equivalent  
19 domestic relationship.

20 9. Section 728 of the Code states, in pertinent part:

21 ...

22 (3) "Sexual contact" means the touching of an intimate part of another person.

23 ...

24 10. Section 729 of the Code states, in pertinent part:

25 (a) Any physician and surgeon, psychotherapist, alcohol and drug abuse  
26 counselor or any person holding himself or herself out to be a physician and surgeon,  
27 psychotherapist, or alcohol and drug abuse counselor, who engages in an act of sexual  
28 intercourse, sodomy, oral copulation, or sexual contact with a patient or client, or  
with a former patient or client when the relationship was terminated primarily for the  
purpose of engaging in those acts, unless the physician and surgeon, psychotherapist,  
or alcohol and drug abuse counselor has referred the patient or client to an  
independent and objective physician and surgeon, psychotherapist, or alcohol and  
drug abuse counselor recommended by a third-party physician and surgeon,  
psychotherapist, or alcohol and drug abuse counselor for treatment, is guilty of sexual  
exploitation by a physician and surgeon, psychotherapist, or alcohol and drug abuse  
counselor.

...

For purposes of subdivision (a), in no instance shall consent of the patient or  
client be a defense. However, physicians and surgeons shall not be guilty of sexual  
exploitation for touching any intimate part of a patient or client unless the touching is

1 outside the scope of medical examination and treatment, or the touching is done for  
2 sexual gratification.

3 (c) For purposes of this section:

4 (1) "Psychotherapist" has the same meaning as defined in Section 728.

5 ...

6 (3) "Sexual contact" means sexual intercourse or the touching of an intimate  
7 part of a patient for the purpose of sexual arousal, gratification, or abuse.

8 ...

9 11. Section 2936 of the Code states, in pertinent part:

10 The board shall adopt a program of consumer and professional education in  
11 matters relevant to the ethical practice of psychology. The board shall establish as its  
12 standards of ethical conduct relating to the practice of psychology, the 'Ethical  
13 Principles and Code of Conduct' published by the American Psychological  
14 Association (APA). Those standards shall be applied by the board as the accepted  
15 standard of care in all licensing examination development and in all board  
16 enforcement policies and disciplinary case evaluations...

17 12. The American Psychological Association's "Ethical Principles of Psychologists and  
18 Code of Conduct" (Effective date June 1, 2003) [APA Ethical Principles] section 2.06, "Personal  
19 Problems and Conflicts," states:

20 (a) Psychologists refrain from initiating an activity when they know or should  
21 know that there is a substantial likelihood that their personal problems will prevent  
22 them from performing their work-related activities in a competent manner.

23 (b) When psychologists become aware of personal problems that may interfere  
24 with their performing work-related duties adequately, they take appropriate measures,  
25 such as obtaining professional consultation or assistance, and determine whether they  
26 should limit, suspend, or terminate their work-related duties.

27 13. APA Ethical Principles section 3.02, "Sexual Harassment," states:

28 Psychologists do not engage in sexual harassment. Sexual harassment is sexual  
solicitation, physical advances, or verbal or nonverbal conduct that is sexual in  
nature, that occurs in connection with the psychologist's activities or roles as a  
psychologist, and that either (1) is unwelcome, is offensive, or creates a hostile  
workplace or educational environment, and the psychologist knows or is told this or  
(2) is sufficiently severe or intense to be abusive to a reasonable person in the context.  
Sexual harassment can consist of a single intense or severe act or of multiple  
persistent or pervasive acts.

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1 14. APA Ethical Principles section 3.04, "Avoiding Harm," states:

2 (a) Psychologists take reasonable steps to avoid harming their clients/patients,  
3 students, supervisees, research participants, organizational clients, and others with  
4 whom they work, and to minimize harm where it is foreseeable and unavoidable.

5 (b) Psychologists do not participate in, facilitate, assist, or otherwise engage in  
6 torture, defined as any act by which severe pain or suffering, whether physical or  
7 mental, is intentionally inflicted on a person, or in any other cruel, inhuman, or  
8 degrading behavior that violates 3.04(a).

9 15. APA Ethical Principles section 3.05, "Multiple Relationships," states:

10 (a) A multiple relationship occurs when a psychologist is in a professional role  
11 with a person and (1) at the same time is in another role with the same person, (2) at  
12 the same time is in a relationship with a person closely associated with or related to  
13 the person with whom the psychologist has the professional relationship, or (3)  
14 promises to enter into another relationship in the future with the person or a person  
15 closely associated with or related to the person.

16 A psychologist refrains from entering into a multiple relationship if the multiple  
17 relationship could reasonably be expected to impair the psychologist's objectivity,  
18 competence, or effectiveness in performing his or her functions as a psychologist, or  
19 otherwise risks exploitation or harm to the person with whom the professional  
20 relationship exists.

21 Multiple relationships that would not reasonably be expected to cause  
22 impairment or risk exploitation or harm are not unethical.

23 (b) If a psychologist finds that, due to unforeseen factors, a potentially harmful  
24 multiple relationship has arisen, the psychologist takes reasonable steps to resolve it  
25 with due regard for the best interests of the affected person and maximal compliance  
26 with the Ethics Code.

27 (c) When psychologists are required by law, institutional policy, or  
28 extraordinary circumstances to serve in more than one role in judicial or  
administrative proceedings, at the outset they clarify role expectations and the extent  
of confidentiality and thereafter as changes occur. (See also Standards 3.04, Avoiding  
Harm , and 3.07, Third-Party Requests for Services .)

16. APA Ethical Principles section 3.05, "Exploitative Relationships," states:

Psychologists do not exploit persons over whom they have supervisory, evaluative or other  
authority such as clients/patients, students, supervisees, research participants, and  
employees.

17. APA Ethical Principles section 10.05, "Sexual Intimacies with Current Therapy  
Clients/Patients," states: Psychologists do not engage in sexual intimacies with current  
therapy clients/patients.

1 **COST RECOVERY**

2 18. Section 125.3 of the Code states, in pertinent part:

3 (a) Except as otherwise provided by law, in any order issued in resolution of a  
4 disciplinary proceeding before any board within the department or before the  
5 Osteopathic Medical Board, upon request of the entity bringing the proceeding, the  
6 administrative law judge may direct a licensee found to have committed a violation or  
7 violations of the licensing act to pay a sum not to exceed the reasonable costs of the  
8 investigation and enforcement of the case.

9 (b) In the case of a disciplined licensee that is a corporation or a partnership,  
10 the order may be made against the licensed corporate entity or licensed partnership.

11 (c) A certified copy of the actual costs, or a good faith estimate of costs where  
12 actual costs are not available, signed by the entity bringing the proceeding or its  
13 designated representative shall be prima facie evidence of reasonable costs of  
14 investigation and prosecution of the case. The costs shall include the amount of  
15 investigative and enforcement costs up to the date of the hearing, including, but not  
16 limited to, charges imposed by the Attorney General.

17 (d) The administrative law judge shall make a proposed finding of the amount  
18 of reasonable costs of investigation and prosecution of the case when requested  
19 pursuant to subdivision (a). The finding of the administrative law judge with regard to  
20 costs shall not be reviewable by the board to increase the cost award. The board may  
21 reduce or eliminate the cost award, or remand to the administrative law judge if the  
22 proposed decision fails to make a finding on costs requested pursuant to subdivision  
23 (a).

24 ...

25 **FIRST CAUSE FOR DISCIPLINE**

26 **(Sexual Exploitation of a Patient)**

27 19. Respondent has subjected his Psychologist License No. PSY 14044 to disciplinary  
28 action under section 2960, as defined by section 729 of the Code, in that he engaged in sexual  
exploitation of a patient, as more particularly alleged hereinafter:

20 20. In or around 2013, Patient A<sup>1</sup> sought psychotherapeutic treatment from Respondent to  
21 address mixed emotional features of depression and anxiety stemming from marital discord.  
22 Between in or around 2013 and in or around 2016, Patient A received episodic treatment from  
23 Respondent.

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26 <sup>1</sup> To protect the privacy of the patients involved, patient names have not been included in  
27 this pleading. Respondent is aware of the identity of the patients referred to herein.

1           21. On or about January 6, 2017, Patient A presented to Respondent for  
2 psychotherapeutic treatment after filing for legal separation from her husband. Patient A reported  
3 suffering from emotional and financial abuse from her husband and expressed feelings of anxiety  
4 over her future.

5           22. Between on or about January 6, 2017, and on or about May 25, 2020, Patient A  
6 presented to Respondent for weekly or biweekly sessions, for approximately one hundred thirty-  
7 six (136) sessions. Throughout these sessions, Patient A repeatedly reported feelings of anxiety,  
8 frustration, sadness, and depression over the demise of her marriage, her husband's terminal  
9 cancer diagnosis, and the abusive behavior she received from both her husband and her adult  
10 daughter. Throughout that time, Respondent did not obtain any written or documented oral  
11 consent from Patient A regarding limits of confidentiality.

12           23. In or around May 2019, Patient A reported feelings of transference towards  
13 Respondent. Respondent told Patient A not to worry about it. Sometime thereafter, Respondent  
14 began to reveal personal information about himself to Patient A, including but not limited to, his  
15 own marital problems and separation from his wife.

16           24. Sometime between in or around May 2019, and in or around July 2019, at the  
17 conclusion of a psychotherapeutic session, Respondent kissed Patient A on the back of the neck  
18 before she left his office.

19           25. In or around July 2019, Respondent asked Patient A to meet him for dinner in Long  
20 Beach. After dinner, Respondent and Patient A walked to Respondent's yacht that was docked  
21 nearby, and engaged in sexual intercourse for the first time.

22           26. Between in or around July 2019, and in or around June 2020, Respondent engaged in  
23 a romantic relationship with Patient A while he continued to provide her with psychotherapeutic  
24 treatment in his office. Throughout that time period, Respondent engaged in sexual intercourse  
25 with Patient A in his office, and elsewhere, multiple times each week.

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1 (a) Paragraphs 19 through 30, above, are hereby incorporated by reference and  
2 realleged as if fully set forth herein; and

3 (b) Having a sexual relationship with Patient A.

4 **FOURTH CAUSE FOR DISCIPLINE**

5 **(Unauthorized Communication of Information Received in Professional Confidence)**

6 33. Respondent has further subjected his Psychologist License No. PSY 14044 to  
7 disciplinary action under section 2960, as defined by section 2960, subdivision (h), of the Code,  
8 in that he engaged in the willful, unauthorized communication of information received in  
9 professional confidence, as more particularly alleged in paragraphs 19 through 30, above, which  
10 are hereby incorporated by reference and realleged as if fully set forth herein.

11 **FIFTH CAUSE FOR DISCIPLINE**

12 **(Violation of Ethical Standards)**

13 34. Respondent has further subjected his Psychologist License No. PSY 14044 to  
14 disciplinary action under section 2960, as defined by section 2960, subdivision (k), and section  
15 2936, of the Code, in that he has violated the standards of ethical conduct relating to the practice  
16 of psychology established by the APA, as more particularly alleged hereinafter:

17 (a) Paragraphs 19 through 30, are hereby incorporated by reference and realleged  
18 as if fully set forth herein;

19 (b) Respondent violated APA Ethical Principles section 2.06, "Personal Problems  
20 and Conflicts," by allowing his own personal and/or psychological problems impact his  
21 judgement by engaging in a romantic and sexual relationship with Patient A;

22 (c) Respondent violated APA Ethical Principles section 3.02, "Sexual  
23 Harassment," by making sexual advances towards Patient A;

24 (d) Respondent violated APA Ethical Principles section 3.04, "Avoiding Harm," by  
25 engaging in a romantic and sexual relationship with Patient A, and threatening to send a  
26 nude photograph of Patient A to her children and other contacts;

27 (e) Respondent violated APA Ethical Principles section 3.05, "Multiple  
28 Relationships," by engaging in a romantic and sexual relationship with Patient A;

1 (f) Respondent violated APA Ethical Principles section 3.05, "Exploitative  
2 Relationships," by engaging in a romantic and sexual relationship with Patient A; and

3 (g) Respondent violated APA Ethical Principles section 10.05, "Sexual Intimacies  
4 with Current Therapy Clients/Patients by engaging in a romantic and sexual relationship  
5 with Patient A.

6 **SIXTH CAUSE FOR DISCIPLINE**

7 **(General Unprofessional Conduct)**

8 35. Respondent has further subjected his Psychologist License No. PSY 14044 to  
9 disciplinary action under section 2960 of the Code, in that he has engaged in conduct which  
10 breaches the rules or ethical code of the profession, or conduct which is unbecoming to a member  
11 in good standing of the profession, and which demonstrates an unfitness to practice psychology,  
12 as more particularly alleged in paragraphs 19 through 30, above, which are hereby incorporated  
13 by reference and realleged as if fully set forth herein.

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**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Psychology issue a decision:

1. Finding that Respondent Robert R. Kraszewski, Ph.D., engaged in an act of sexual contact, as defined in Section 728 of the Code, with a patient, or former patient, within two years following termination of therapy and, thereafter revoking Psychologist License No. PSY 14044, issued to Respondent Robert R. Kraszewski, Ph.D., as mandated by Section 2960.1 of the Code;

2. Revoking or suspending Psychologist No. PSY 14044, issued to Respondent, Robert R. Kraszewski, Ph.D.;

3. Ordering Respondent, Robert R. Kraszewski, Ph.D., to pay the Board of Psychology the reasonable costs of the investigation and enforcement of this case, and, if placed on probation, the costs of probation monitoring; and,

4. Taking such other and further action as deemed necessary and proper.

DATED: April 19, 2022

  
ANTONETTE SORRICK  
Executive Officer  
Board of Psychology  
Department of Consumer Affairs  
State of California  
*Complainant*

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