



Health Professions Quality Assurance, Investigation Service Unit

Memo

To: Board of Psychology

From: Todd Terhaar, investigator

Date: 7/11/07

Re: Witness Roger Friend phone Interview

DOH Investigative files #2007-07-0002PY

Respondent: **Greenberg, Stuart A.**

On 7/11/07 I contacted and interviewed Roger Friend via telephone. Friend relayed the following:

Friend is a licensed building contractor who was spent that past 11 years working with the respondent. Friend states that he has worked steadily for the respondent doing construction, remodel, and maintenance projects as a paid contractor. Friend states that due to the frequency of work he has done for the respondent they have become friends and have spent time socially together ie: boating, dinners etc... Due to their strong personal and business friendship Friend has his own set of keys to the respondent's home and business, and is trusted to "come and go as he pleases whenever he wants." Friend states that as such he has also developed very strong friendships with the respondent's wife Marsha and staff, to include .

On 7/2/07 Friend was working at the respondent's home, which is the property adjacent/next door to the respondent's business. While in the basement of the respondent's home he heard a noise and upon further investigation he noticed a VCR set up to a TV, directly in front of a treadmill. The VCR was "on" and appeared to be recording. Friend could see that the VCR was hooked up to a small box with an antennae which was placed in the window sill of a basement window. Friend stated that this box was from radio shack and said something to the effect "Video send/receive" on it. Friend states he was immediately very suspicious and thought to himself that the device looked like it was some sort of remote camera image receiver. Friend states that at the same time he remembered a recent conversation he had with the respondent's employees about how the "newly installed air purifier in the employee restroom looked

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like a hidden camera." Friend states his initial reaction was complete denial that his longtime friend would in any way shape or form be involved in something like recording his employees. Friend states that even though he was almost completely sure this was unfounded he did tell his suspicions, in passing, to .

The next day Friend states he was over at the respondent's home again and noticed that the remote device/antennae had had been moved. Friend states he eventually went over to the respondent's business when he decided to "just go and check the employee restroom" to see if there was anything suspicious. Friend states when he made a closer inspection of the air purifier he found it "had a small plastic dot with a glossy finish" which just "didn't look right" and seemed like a small hidden camera." In response he went back to the respondent's home to the basement where the VCR was a set up. Friend states he "pushed play" on the VCR and found that the device was recording the bathroom at the respondent's office, through a camera hidden in the air freshener. Friend states that his first impulse was to call the employees at the respondent's business, and was eventually able to reach . Friend told what he had found. told Friend to "eject the tape and meet her up the street immediately" which he did. Friend states he then turned the tape over to her, and she left, and called Seattle Police. Friend confirmed he was contacted and interviewed by SPD and told them what he had found and done.

Friend states that since that time he has been aware that the respondent was arrested and booked into jail. Friend states that since then the respondent "sent him an e-mail." Friend states that the e-mail is an "apology letter" where the respondent apologizes for his actions, had given SPD a full confession, and that he was sorry for hurting anyone." I instructed Friend to forward a copy of the e-mail to my work e-mail, which he stated he would "do later tonight" as he "did not have immediate access to his home e-mail."

Friend states that he has also received a phone call from the respondent's wife "Marsha" and that she was only able to ask him "why hadn't he gone to her first?" Friend states that Marsha was too upset to talk any further and he has not yet called her back.

Signed


Todd M. Fernaar, Investigator

Date

7/11/07

RECEIVED

JUL 17 2007

DEPARTMENT OF HEALTH
Investigations

STATE OF WASHINGTON
DEPARTMENT OF HEALTH

AUTHORIZATION TO RELEASE COMPLAINANT'S NAME
(DOH WHISTLEBLOWER STATUTE)

RCW 43.70.075 provides in part: "The identity of a whistleblower who complains, in good faith, to the Department of Health about the improper quality of care by a health care provider, or in a health care facility, as defined in RCW 43.72.010 shall remain confidential..."

I understand that my identity is confidential pursuant to RCW 43.70.075 (DOH Whistleblower Statute). By signing this document, I waive my right to confidentiality and authorize the Department of Health to release my identity to **Stuart A. Greenberg, PhD**, Respondent, to other persons who are reasonably necessary to the investigation, and for use in any subsequent administrative proceeding regarding my complaint. I understand that my identity will not be released for any other purpose.

APPROVAL OF CONFIDENTIALITY WAIVER

For the sole purpose of investigating my complaint and pursuing disciplinary/adverse action proceeding, I hereby waive confidentiality and consent to the release of my identity.

Signature: _____
Date: 7/11/07
Home Phone: _____
Day Phone: _____

DENIAL OF CONFIDENTIALITY WAIVER

I hereby deny my waiver of confidentiality and deny consent to release of my identity. I understand this denial may impair the Department of Health's ability to pursue disciplinary/adverse actions.

Signature: _____
Date: _____
Home Phone: _____
Day Phone: _____

CASE #: 2007-07-0002PY

RESPONDENT: Stuart A. Greenberg, PhD

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Health Professions Quality Assurance, Investigation Service Unit

Memo

To: Board of Psychology

File: #2007-07-0002PY

From: Todd Terhaar, investigator

Date: 7/17/07

Re: Phone Interview, -Former Patient

Respondent: Greenberg, Stuart

On 7/17/07 I was contacted by a " " via telephone. " identified herself as "current patient" of the respondent and that she had "seen the news stories about him filming employees in the bathroom of his business." " stated she was extremely upset upon seeing the story as "she had been his patient since January 2007" and had "regularly used the bathroom in his office during her appointments." " was eventually to reach me via SPD Detective Grossman, who provided her with my name and contact info.

" states she has been seeing the respondent and " as part of a custody dispute with her husband. " states that the respondent has "always made her feel uncomfortable" as "everything she said he seemed to relate to something sexual." " states that "everything the respondent asked or talked about all seemed to return to sex" even though she was supposed to be seeing him for child custody issues. " states she saw the respondent regularly from January of 2007 through the end of May, possibly into early June 2007. " confirmed that during these visits she regularly used the bathroom at his business.

" was instructed to provide a more detailed, signed statement and to return that to me as soon as possible. " confirmed she understood and would do this.

I swear and affirm under penalty of perjury in a court of law that the above statement is true and accurate.

Signed 
Todd M. Terhaar, Investigator

Date 7/17/07

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My name is _____, I was a client of Stuart Greenberg and Dr. Greenberg and _____ conducted a parenting evaluation for me and my husband regarding our daughter _____. I visited his office on six separate occasions, from one half to three hours at a time. I believe that I used the bathroom on most of those visits. I remember that in particular, every time I visited the office, I was offered tea by the administrative assistants. I believe that I accepted tea on all of the visits.

In particular, when speaking with Dr. Greenberg, two things stand out:

- 1) I asked him what my rights were with regard to privacy. He became somewhat aggressive and told me something to the effect that I had no rights, that I had better answer his questions, and answer them honestly or else he would think I was hiding something.
- 2) He asked me questions about my sex life that I didn't think were pertinent to the parenting evaluation, although I don't remember specifically what they were. He seemed to dwell on it longer than I would have thought relevant, and he seemed to project sexual meaning onto my statements. What I recall in particular, was a statement that I made about my husband—that he seemed to resent that I didn't pay a lot of attention to him while I was pregnant and had been diagnosed with cervical cancer (not knowing until after the delivery of our child if it was invasive or in situ). Dr. Greenberg remarked later in the interview that he had thought I meant that I was referring to sexual attention. This remark surprised and upset me, as it seemed like Dr. Greenberg was projecting meaning into my statements—especially when I was discussing having a difficult pregnancy and cancer. I did not intend to imply anything sexual when I made my statement about my husband's resentment.

I mentioned my concerns about Dr. Greenberg's focus on sex during his interview of me to _____ my March 3 interview with her. She cites this in the June 8th, 2007 Parental Access Forensic Evaluation, page 28, paragraph 4:

_____ also demonstrated some tendency to (wittingly or unwittingly) distort and/or exaggerate the information she was presenting during the interviews. For example, she reported that _____ had been asked to leave her daycare program due to the school's concerns about _____, but this assertion was not corroborated by collateral information (which indicated that it was the mutual conflict between both parties that raised concerns for school administrators). **She also asserted that Dr. Greenberg's first interview of her was focused on her "sex life" and she did not have any opportunity to describe _____ "abusive" behavior; however, the reverse was actually the case (i.e. the interview was focused almost exclusively on the assault by _____, with little or no discussion of her "sex life").** While this tendency may reflect _____ overall "flair for the dramatic" (including very positive examples of this during her play/interactions with _____), in some instances these distortions appeared to be self-serving

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(e.g. refusing third-party involvement in future dispute resolutions, as this would only provide with another way to "abuse" her by turning the third-party against her; mischaracterizing information provided by Mark Adams and Dr. Schneider."

(emphasis added)

was not present during Dr. Greenberg's interview of me. The notes regarding sex questions were excluded from the report. We requested all of the notes from the interview, but were informed that it would cost us another \$700, which I cannot afford.

To summarize, Dr. Greenberg asked me questions of a sexual nature that were irrelevant to the parenting evaluation. I believe that at least once, he attributed sexual meaning to my answers inappropriately. When I challenged the inquiry, it was held against me in the evaluation.

(In fact, ; statement regarding the daycare was rebutted by other information in her own report, which she ignored.)

I believe that I used Dr. Greenberg's bathroom about 4-5 times, and am concerned about whether I may have been videotaped, and what effect Dr. Greenberg's illicit practices may have had on his evaluation in my case.

Table 1. Dates and duration of visits to Stuart Greenberg's office

Reason for visit	Hours	Date	Other people there
Testing	1-2	10/19/06	Carrie, other assistant
Interview 1	2.8	11/15/06	Stuart. Greenberg and graduate student, Carrie, + other assistant
Interview 2	.5	3/13(?)07	, Dr. Greenberg, Carrie
Interview 2 repeat	3	3/20/07	Carrie
Interview 3	3	4/11/07	Carrie
Interview 4	2.5	5/03/07	Carrie

Table 2. Dr. Greenberg's visit to my home

Reason for visit	Hours	Date	Other people there
Home observation	.5	12/05/06	

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DEPARTMENT OF HEALTH
STATE OF WASHINGTON

WITNESS NOTIFICATION FORM
HEALTH PROFESSIONS QUALITY ASSURANCE
INVESTIGATION SERVICE UNIT

PLEASE BE ADVISED THAT ANY WRITTEN STATEMENT YOU MAKE MAY BE
RELEASED TO THE PERSON UNDER INVESTIGATION IF A STATEMENT OF
CHARGES IS ISSUED.

_____ DATE
| RECEIPT ACKNOWLEDGED

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Fax Transmittal Form

USA

To: TODD TERHAAR From: _____
 Company: DEPT. OF HEALTH I.S.U. Bldg/Room: 26/2357
 CC: _____ Phone Number: _____
 Phone Number: (253) 395-6710 Date & Time Sent: 7/19/07 10:45AM
 Fax Number: (253) 395-6759 No. of Pages: 1

Urgent For Review Please Comment/Reply

Message... WRT. Stuart Greenberg Case

- 1) Consent
- 2) Statement

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CONFIDENTIALITY STATEMENT: The information in this facsimile message is legally privileged and confidential information intended only for the use of the addressee listed on this cover sheet. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this telecopy is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone at the number listed on this cover sheet and return the original message to us at the above address via the United States Postal Service. We will reimburse any costs you incur in notifying us and returning the message to us. Thank you.

July 11, 2007

Stuart A. Greenberg

Re File #: 2007-07-0002PY

Dear Mr. Greenberg,

The *Washington State Board of Psychology* of the Department of Health has received a complaint concerning an allegation of unprofessional conduct/moral turpitude/sexual misconduct, in accordance with *RCW 18.130.095(2)(a)(i)*.

This complaint was initiated after you were arrested and booked into King County Jail, by Seattle Police, for the felony charge of "Voyeurism." The Seattle Police Report and victim interviews alleged that you:

Set up a secret surveillance camera in the employee bathroom of your business, which recorded the bathroom. The VCR and tape were later found in the basement of your home.

That your fellow, female employees were not aware of this camera, not did they give you permission to film them as they used the bathroom.

That after this device and video surveillance system were discovered by a contractor and female employees the Seattle Police were advised, on 7/3/07.

The Seattle Police warrant/investigation confirmed the existence of this camera and surveillance system. A further review of the VCR tape confirms you were secretly recording female employees using the restroom. The VCR tape allegedly shows you masturbating/pleasuring yourself in this same bathroom.

You later were interviewed by Seattle Police, which was both video and audio recorded. During this interview you admitted to the above described incidents and were subsequently booked into King County jail.

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The *Medical Quality Assurance Commission* is the entity within State government with legislated authority and responsibility to assure the delivery of safe health care. Under the provisions of RCW 18.130.050, the Washington State *Medical Quality Assurance Commission* is empowered to investigate all allegations and complaints to determine whether such allegations are substantiated and to take disciplinary or corrective action, if warranted.

Please be advised this is a preliminary investigation only and no charges have been issued in connection with this investigation.

Under provisions of RCW 18.130.180(8), a health care provider shall cooperate by providing a full and complete explanation covering the matter under investigation. The Health Care Information Act, RCW 70.02.050 (2)(a), requires that a health care provider disclose health care information about a patient without patient authorization when the information is needed to determine compliance with state licensure rules or laws.

Under the terms of the laws mentioned, you are asked to provide:

1. A detailed, chronological response and statement to the specific allegations listed in the complaint. (Handwritten or typed). This statement is to include but not be limited to:

- a) Full explanation as to exactly why you set up this video recording system at your business.
- b) How long was this system in place?
- c) What you did with the footage recorded?
- d) Any other information you feel may be relevant or pertinent.

2. Review, sign, and return with your statement the attached "Respondent Notification."

You may consult with and engage an attorney at your expense to represent you in this matter before making your response. Your response may be used if disciplinary action is deemed necessary. If you wish to have an attorney represent you, please have the attorney file a Notice of Appearance at the address below.

Please submit your response within fourteen (14) days after receipt of this letter. Mail your response to:

Todd M. Terhaar, Investigator
Health Care Investigator
Department of Health
Investigation Service Unit

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STATE OF WASHINGTON
DEPARTMENT OF HEALTH

July 6, 2007

Stuart A. Greenberg, PhD

RE: Case # 2007-07-0002PY

Dear Dr. Greenberg:

The purpose of this letter is to inform you that the Board of Psychology of the Department of Health has received a complaint alleging unprofessional conduct on your part, as defined in RCW 18.130.180. The complaint alleges unprofessional conduct. This notice is being made in compliance with RCW 18.130.095.

RCW 18.130.050...THE UNIFORM DISCIPLINARY ACT... provides that the Board of Psychology of the Department of Health has the legislated authority to investigate complaints against health care providers. The complaint received against you has been reviewed and it has been determined that the allegations at issue fall within the jurisdiction of the Board of Psychology of the Department of Health. An inquiry will be conducted to gather the facts in this matter.

Please note that the Program is bound by statute to comply with two different laws, which may seem to conflict. The first requires that we immediately notify a practitioner that a complaint has been filed. The second, the whistleblower law RCW 43.70.075, prohibits us from releasing the name of the complainant or any specific details about the report which could identify the complainant until we have received a signed waiver authorizing us to do so. We are sensitive to the fact that it can be very disconcerting to know a complaint has been filed against you, but not know any details about it. Therefore, once the waiver has been obtained, an investigator will contact you as soon as practical and all issues will be discussed as fully as allowed by law so that you will have an opportunity to respond. Your case is being assigned to the following investigator:

Todd Terhaar, Health Care Investigator
Investigation Service Unit MS: TB-33A
20435 72nd Avenue South, Suite 200
Kent, WA 98032
Phone: (253) 395-6710 FAX: (253) 395-6759
Email: Todd.Terhaar@doh.wa.gov

You may submit a written statement concerning the complaint at any time, to the investigator listed above. However, you may choose to wait until you are contacted by the investigator and the complaint has been discussed with you. This contact will be made after a confidentiality release has been received from the Complainant, if one is required. Any statements submitted will be placed in the complaint file. Thank you for your anticipated cooperation.

Respectfully,

Tina Crawford
Secretary Senior

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Johnson Andrews & Skinner, P.S.
Attorneys at Law

200 West Thomas, Suite 500, Seattle, WA 98119
Phone: (206) 223-9248/ Fax: (206) 623-9050

FACSIMILE COVER PAGE

DATE: July 18, 2007

Number of Pages 2
(including cover)

TO: Todd Terhaar
253-395-6759

FROM: Pamela M. Andrews

RE: Stuart A. Greenberg; File # 2007-07-0002PY

If you do not receive all pages, or if the pages are illegible, please contact Jane Johnson at (206) 223-9248, immediately.

MESSAGE:

Please see attached.

CONFIDENTIALITY NOTICE: This facsimile transmission, and any documents accompanying it, may contain confidential information belonging to the sender which is protected by the attorney-client privilege. This information is intended solely for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance upon the contents of this information is prohibited. If you have received this transmission in error, please notify us immediately by telephone to arrange for the return of the documents transmitted.

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Johnson Andrews & Skinner, P.S.
Attorneys at Law

PAMELA M. ANDREWS

July 18, 2007

Via Facsimile and US Mail
(253-395-6759)

Mr. Todd M. Terhaar
Health Care Investigator
Department of Health
Investigation Service Unit
20435 72nd Avenue S., Suite 200
Kent, WA 98032

Re: Stuart A. Greenberg
File # 2007-07-0002PY

Dear Mr. Terhaar:

Please accept this correspondence as our formal Notice of Appearance on behalf of Stuart Greenberg in the above-referenced matter, your file number 2007-07-0002PY.

Please copy me on all future correspondence and communication with Mr. Greenberg. We look forward to working with you. Thank you.

Very truly yours,

Pamela M. Andrews

PMA:jj

cc. Stuart A. Greenberg

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You later were interviewed by Seattle Police, which was both video and audio recorded. During this interview you admitted to the above described incidents and were subsequently booked into King County jail.

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Under the terms of the laws mentioned, you are asked to provide:

This investigation will also require a complete list of your appointments, copies of your appointment book or similar records detailing every patient/client/business person etc... that came to your office from May 2007-July 2007.

These records are to include the full names and contact information for these persons, clients, patients etc...and the reason for their visit to your office ie: patient appointment, consultation, repair work, etc...

You may consult with and engage an attorney at your expense to represent you in this matter before making your response. Your response may be used if disciplinary action is deemed necessary. If you wish to have an attorney represent you, please have the attorney file a Notice of Appearance at the address below.

Please submit your response within fourteen (14) days after receipt of this letter. Mail your response to:

Todd M. Terhaar, Investigator
Health Care Investigator
Department of Health
Investigation Service Unit
20435 72nd Ave S. Suite #200

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