

STATE OF INDIANA)
) SS.
COUNTY OF RIPLEY)

RIPLEY CIRCUIT COURT
GENERAL TERM 2009

MELISSA BREWINGTON)
 Petitioner,)
 vs.)
)
DANIEL BREWINGTON)
 Respondent,)
 pro-se.)

CAUSE NO. 69C01-0701-DR-007

FILED

APR 22 2009

Lizbeth Bradford
RIPLEY COUNTY COURTS

**RESPONSE TO MOTION FOR TEMPORARY RESTRAINING ORDER AND
MOTION TO DISMISS**

Comes Now, Daniel P. Brewington, Respondent, pro-se, to respond to the
Petitioner's Motion for Temporary Restraining Order, and move that this Court dismiss
the Petitioner's Motion based upon the following:

1. The Petitioner fails to demonstrate how posting a picture of the parties' two
children, which does not show the children's face in any way, is harmful, harassing, or
damaging to the parties or the children involved. Please see Kentucky Attorney General
Jack Conway's public Facebook page attached hereto as "Exhibit A". Mr. Conway lists
his hometown, high school, colleges, interests, his wife's maiden name and the name of
his unborn daughter. This is very common on internet sites such as Facebook, Myspace,
Twitter, etc... which are used by millions of friends and families to share pictures and
stay connected. The Petitioner is/was a member of Classmates.com which gives people
access to similar information. Before the Court filed its Provisional Orders, dated
February 28, 2007 and without the knowledge of the Respondent, the Petitioner the filed
change of address forms with the United States Postal Service for the parties' two (2)

children (1 and 3 year(s) of age at the time) giving anyone with internet access the ability to obtain the home address of the parties' young children.

2. The Petitioner's motion states on four separate occasions that the Respondent published Dr. Connor's statement "We believe that minimizing the time that (the Respondent) has with the children, will in fact sustain their existing bond." The Petitioner fails to demonstrate how publishing Dr. Connor's comment is any kind of violation of law or privacy and/or is harmful to the parties or the parties' children.

3. Dr. Connor's statement "We believe that minimizing the time that (the Respondent) has with the children, will in fact sustain their existing bond" is, in itself harmful to the children according to the Indiana Parenting Time Guidelines as the Guidelines state "When a very young child is accustomed to receiving regular, hands-on care from both parents, the child should continue to receive this care when the parents separate."

4. Dr. Connor may not have been aware of the Indiana Parenting Time Guidelines as Dr. Connor was not licensed to practice psychology in the State of Indiana until after Dr. Connor performed the evaluation; attached hereto as "Exhibit B", which is a violation of IC 25-33-1-14 "Unlicensed practice prohibited". IC 25-33-1-14 (c) states "It is unlawful for any individual, regardless of title, to render, or offer to render, psychological services to individuals, organizations, or to the public, unless the individual holds a valid license issued under this article."

5. The Petitioner's "Exhibit A" demonstrates that the Respondent's former attorneys, Thomas Blondell and Amy Streator, conducted themselves in an unethical and/or illegal manner. The Petitioner's "Exhibit A" contains copies of emails from

Thomas Blondell expressing his anger with the Respondent after Mr. Blondell had an unauthorized conversation with Amy Streator at a private function. Thomas Blondell stated “it does cause concern when I discover that you... or someone you know... or maybe no one you know pickets a law firm” and then Mr. Blondell arbitrarily withdrew from representing the Respondent. Since the Petitioner brought this evidence to the Court’s attention, the Respondent hopes that the Court will take any appropriate measures against Mr. Blondell and Ms. Streator in accordance with the Indiana Code of Judicial Conduct.

6. The Petitioner claims that the parties’ minor children, 3 and 5 years old, “may be irreparably harmed should they discover the custodial evaluators’ recommendations for custody.” The Indiana Parenting Time Guidelines suggest that the children may be irreparably harmed if the Court follows Dr. Connor’s recommendations as it would be a drastic change to the children’s current relationship maintained by both parents. The children are at least four or five years away from being able to read the content of Dr. Connor’s recommendations and the chances are much greater that any details of the divorce would be leaked through an irresponsible family member rather than an adult acquaintance that happened to see a web posting.

7. The Petitioner’s claim that “The parents were warned in the custodial evaluation that revealing any of the information in the evaluation is an ‘act of severe selfishness... and is not in the children’s best interest’” is misleading and/or inaccurate. Page 30 of the evaluation, attached hereto as “Exhibit C” actually states “At no time should any parent reveal ANY of the information contained in this document to any of the children. This, of course, would be an act of severe selfishness by the parents and is not in the children’s

best interest.” The best interests of the parties’ minor children have already been compromised by Dr. Connor filing a child custody evaluation which Dr. Connor claimed to have “numerous errors and oversights.” There would be no circumstance where, if the parties’ children were represented by a GAL, the children would not be entitled to the custody evaluation case file and the Respondent believes that the efforts made by Dr. Connor, the Petitioner, Angela G. Loechel, and Judge Taul to obstruct the Respondent’s access to the case file is a gross and malicious attempt to take advantage of the Respondent’s pro se status.

8. The Petitioner’s reference to Dr. Connor’s April 1, 2008 letter to the Court, attached hereto as “Exhibit D” demonstrates that the Petitioner and her counsel, Angela G. Loechel, were well aware that Dr. Connor acted in an unethical and illegal manner by contacting the court directly while making false public statements when Dr. Connor wrote “Based on your letter dated 3/26/08 stating that Mr. Brewington is entitled to the evaluation only, we will not be releasing the case file to him.” There is no letter from Judge Taul stating that the Respondent is entitled to the evaluation only. It would be illegal for the Court to rule that one party isn’t entitled to evidence, without a motion by one of the parties or outside the presence of the parties. Dr. Connor could not have been serving as an expert to an Indiana Court because Dr. Connor wasn’t licensed to practice psychology in the State of Indiana.

9. The Petitioner claims that the Respondent published confidential information about the parties and/or the proceedings such as “the fact that (the Petitioner) filed for divorce” but this information appeared in The Versailles Republican newspaper after the Petitioner filed for dissolution of marriage and is already public record. The Respondent

feels that he should be allowed to “divulge” this information as the Respondent feels that divorce is often an irresponsible act and causes “irreparable harm” to children as the Respondent has the right to say he wasn’t responsible for subjecting the children to divorce.

10. The Petitioner’s references to the Kentucky Board of Examiners of Psychology and the Kentucky Attorney General deal with complaints that were filed by the Respondent against Dr. Connor. The most recent complaint dated March 16, 2009, attached hereto as “Exhibit E”, deals with the fraudulent information Dr. Connor submitted to the Kentucky Board of Examiners of Psychology in response to Agency Case No 08-15. In Dr. Connor’s response to the Board, Dr. Connor wrote “Mr. Brewington alleges that I have obstructed his access to the case file and that I have discriminated against him because he represents himself pro se.” “I have in no way ‘obstructed’ Mr. Brewington’s access to the case file.” In the April 16, 2008 addendum Dr. Connor wrote “Mr. Brewington is correct in stating that our contract indicates we would provide the file to the representing attorney; however, given the circumstances, we believe that a Court order is necessary to release the file to Mr. Brewington, given that he is representing himself pro se.”

11. The Petitioner’s reference to “Dr. Connor Recommends More Parenting Time for Sex Offenders than he does for (the Respondent)” is an accurate statement. The sentencing memorandum of Jeni Lee Dinkel, attached hereto as “Exhibit F” references Dr. Connor’s recommendations that Ms. Dinkel should not do any jail time because it would be hard on her son. Ms. Dinkel pled guilty to raping a 15 year old friend of her son.

12. The Petitioner submitted roughly 15,000 words worth of writings that were composed by the Respondent and the Respondent feels that the Court will not find any of the writings “confusing or difficult” to follow. This should bring into question the honesty of Dr. Connor and the Petitioner’s claims in the addendum to the evaluation that the Respondent’s writings were confusing and difficult to follow.

13. The Respondent also raises a First Amendment issue regarding freedom of speech. In *Gregory v. Manning*, No, 32A05-0412-JV-649, _N.E.2d_(Ind. Ct. App., June 10, 2005) the court stated “...we decline to hold a prior restraint preventing parents from discussing their disputes with their child violates the First Amendment when it does not restrain speech that is protected as a contribution to the ‘marketplace of ideas.’ See, e.g., *Rzeszutek v. Beck*, 649 N.E.2d 673, 681 (Ind. Ct. App. 1995) (the person-to-person conversations between a member of the Becks’ household and the Rzeszuteks were not protected by the First Amendment because they were largely unrelated to the market in ideas and were threatening and abusive communication).” In *Swank v. Smart*, 898 F.2d 1247 (7th Cir. 1990), the court held:

The free-speech claim is quickly dispatched. The conversation between Swank and Tina on the motorcycle was speech in the literal sense, but not speech protected by the free-speech clause of the First Amendment (made applicable to the states and their subdivisions via the Fourteenth Amendment by *Gitlow v. New York*, 268 U.S. 652, 666, 45 S.Ct. 625, 629, 69 L.Ed. 1138 (1925)). It was also association in the literal sense, but not association “for the advancement of beliefs and ideas.” *NAACP v. Alabama*, 357 U.S. 449, 460, 78 S.Ct. 1163, 1170, 2 L.Ed.2d 1488 (1958). The purpose of the free-speech clause and of its judge-made corollary the right of association is to protect the market in ideas, *Abrams v. United States*, 250 U.S. 616, 630, 40 S.Ct. 17, 22, 63 L.Ed. 1173 (1919) (Holmes, J., dissenting), broadly understood as the public expression of ideas, narrative, concepts, imagery, opinions--scientific, political, or aesthetic--to an audience whom the speaker seeks to inform, edify or entertain. Casual chit-chat between two persons or otherwise confined to a small social group is unrelated, or largely so, to that marketplace, and is not protected. Such conversation is important to its participants but not to the advancement of knowledge, the transformation of taste,

political change, cultural expression, and the other objectives, values, and consequences of the speech that is protected by the First Amendment.

The Respondent's internet publications are not casual "chit chat" between two persons or confined to a small group; rather the Respondent believes his writings are central to the "advancement of knowledge, the transformation of taste, political change, cultural expression, and other objectives, values, and consequences of the speech that is protected by the First Amendment." The Respondent has gone to great lengths to protect the Petitioner's identity as any internet web search of the Petitioner's name will not direct the search engine to any of the Respondent's postings; which is consistent with all of the information brought before the Court that the Respondent has never engaged in any harassing, threatening, slanderous, and/or illegal behavior. The Respondent accepts full legal liability for any of the Respondent's writings and any publications regarding Dr. Connor, former attorneys, misconduct of prior judges and/or public officials are subject to separate litigation if the parties mentioned deem the writings to be slanderous and/or defaming. The Respondent has the right to forward to the public/marketplace, the Respondent's ideas, comments, and experiences regarding the unethical/unlawful conduct of Dr. Connor, Amy Streater, Thomas Blondell, Judge Carl H. Taul and any other professional associated with the family court system to advance knowledge and help bring political change to a system that has allowed an unlicensed psychologist to conduct himself in gross, malicious and discriminating conduct in Dr. Connor's personal attacks on the Respondent for questioning why Dr. Connor has offered many excuses as to why Dr. Connor could or could not release the case file from his custody evaluation that Dr. Connor claimed to contain "numerous errors and oversights"; as long as the information is not harmful to the parties' children or harassing to the Petitioner. However; the

Petitioner shouldn't be granted "immunity" from any potential unforeseen consequences resulting from the Petitioner's intentional negligent conduct in conspiring to defraud the rights and best interests of the parties' children by entering into an agreement for individual psychological services with Dr. Connor, agreement attached hereto as part of "Exhibit E", while Dr. Connor was conducting an evaluation for the parties and continued to conspire to obstruct the Respondent's access to Dr. Connor's evaluation case file.

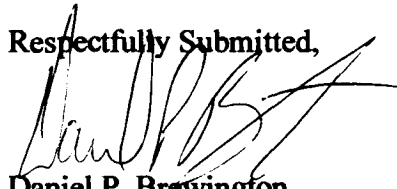
The Respondent feels that the Petitioner's motion is reckless and irresponsible and feels that the Petitioner has not demonstrated that any of the information published by the Respondent is harmful to the Petitioner while the Respondent believes that the information gained through his web postings has been beneficial in trying to ensure that the children have the opportunity to grow up spending equal time with each parent. The Petitioner submitted over fifty (50) pages of writings by the Respondent; none of which bear the Petitioner's name nor contain any harassing, threatening, or derogatory comments about the Petitioner nor has the Respondent released any information about the Petitioner that is not already part of the public record.

Further, the fact that the parties are discussing this matter only strengthens the Respondent's Motion for Mistrial as all of the issues presented are a result of the Petitioner's, Angela G. Loechel's, Dr. Connor's, and Judge Taul's unethical and/or illegal actions in their ongoing attempts to obstruct the Respondent's access to the custody evaluation case file which Dr. Connor originally said the Respondent was entitled to. The Petitioner has showed little regard for the welfare of the children by continuing to

delay the divorce hearing by obstructing the Respondent's access to the case file and by protecting Dr. Connor's unethical and/or illegal actions by filing this motion.

WHEREFORE, Daniel P. Brewington, Respondent, pro-se, respectfully requests that the Court dismiss the Petitioner's Motion for Temporary Restraining Order in this matter and for all other just and proper relief.

Respectfully Submitted,



Daniel P. Brewington
Respondent, pro-se
4104 East County Road
Milan, Indiana 47031
Phone: 812-654-2958
Facsimile: 812-654-2000
Email: dan@dadsfamilycourtexperience.com

I, Daniel P. Brewington, affirm, to the best of my recollection, under penalties of perjury that the foregoing representations are true.



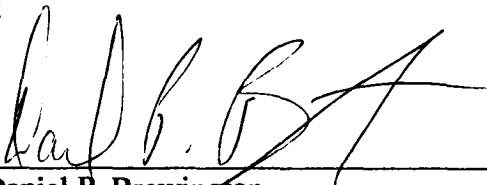
Daniel P. Brewington

CERTIFICATE OF SERVICE

I, Daniel P. Brewington, certify that on the 22 day of April, 2009, a true and exact copy of the foregoing was hand delivered or served by ordinary mail, postage prepaid on:

Angela Loechel, Attorney for Petitioner
310 West High Street
Lawrenceburg, IN 47025

Honorable James D. Humphrey
Special Judge, Dearborn County Court
215 W. High Street
Lawrenceburg, IN 47025



Daniel P. Brewington



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Protecting consumers from scams, prosecuting criminals, strengthening partnerships with local law enforcement, keeping drugs out of communities, and protecting Kentucky's most vulnerable citizens against abuse and neglect.

Information

Country:
United States
Current Office
Office:
Attorney General
State:
Kentucky
Party:
Democratic Party

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Kentucky Attorney General Jack Conway We welcome all our Facebook fans; however, we ask that you please direct any questions or comments regarding legal issues or specific cases being handled by the Attorney General to attorney.general@ag.ky.gov or call 502-696-5300, on Friday.

Wall Info Photos Boxes

Basic Info

Country:
United States
Current Office
Office:
Attorney General
State:
Kentucky
Party:
Democratic Party

Detailed Info

Website:
<http://ag.ky.gov>
Gender:
Male
Relationship Status:
Married to Elizabeth Davenport Conway
Birthday:
July 5, 1969
Hometown:
Louisville, KY
Activities:
College basketball, horse racing, running, golf, volunteering, and preparing for the birth of my daughter, Eva
Favorite Music:
Dave Matthews Band, Rolling Stones, My Morning Jacket, Jack Johnson, & Lenny Kravitz
Favorite Movies:
Shawshank Redemption, Butch Cassidy and the Sundance Kid, A Fish Called Wanda, Good Will Hunting, Saving Private Ryan
Favorite Books:
Truman (David McCullough), Bearing the Cross (David Garrow), Inferno (Dante), Seabiscuit (Laura Hillenbrand)
Favorite TV Shows:
Seinfeld, Entourage, SportsCenter
Favorite Quotations:
"Some look at things that are, and ask why. I dream of things that never were and ask why not?" - George Bernard Shaw
--
"Sunlight is said to be the best of disinfectants." - U.S. Supreme Court Justice Louis Brandeis

Work Info

Employer:
Commonwealth of Kentucky
Position:
Attorney General
Time Period:
January 2008 - Present
Location:
Frankfort, KY
Description:
The Kentucky Attorney General is the state's chief prosecutor and the state's chief law enforcement officer. The Attorney General is the Chairman of the Kentucky Prosecutors Advisory Council, which supervises the County and Commonwealth's Attorneys of Kentucky. As chief law officer, the Attorney General issues opinions to advise government officials and agencies concerning the law. The Attorney General also holds an ex officio seat on various state boards and agencies.

Education Info

Colleges:
**The George Washington University '95
Law
Duke University '91
Public Policy
Cambridge '90
Study abroad
Saint Xavier High School '87**
High School:

Contact Info

Email:
attorney.general@ag.ky.gov
Phone:
502-696-5300
Location:
**780 Capitol Avenue, Suite 118
Frankfort, KY, 40601**

Exhibit A

Advertisements

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Settlement Money

Kentucky.gov - Attorney
General Conway and Cabinet
for Health & Family Services
Issue Road Alert

Events

1 upcoming event See All

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Rally
Capitol Rotunda
Tuesday, April 28 at 1:00pm

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**Indiana***Online Licensing***Exhibit B****Person Information****Name:** Edward J. Connor**Address Information****City/State/Zip:** Erlanger KY 41018**License Information****License No:** 20042263A**Profession:** Psychology Board**License Type:** Psychologist**Obtained By:** Endorsement**Issue Date:** 7/8/2008**Expiration Date:** 8/31/2010**License Status:** Active**Previous Action****Previous Action- None****You may close this window to return to your search results**

- If this license shows disciplinary action as the status or previous action above, click here to search for **Litigation Documents**.
- If this practitioner has disciplinary action indicated above by the license status (Probation, Revoked, Suspended, etc) or has Previous Action indicated, you can link to the board and e-mail the board staff for more information. **Click Here**

No Prerequisites Information

Exhibit C

NAME: Brewington vs. Brewington
DATE: 08/29/2007
PAGE: 30

when the girls start school, they of course will not be able to be with their father during the weekdays as the distance between Dan and where the girls will attend school is nearly an hour. It may be; however, that Dan and Melissa will need the services of a parenting coordinator to devise a parenting schedule. But in principle, we believe that Melissa should be the sole custodian and primary residential parent of the girls. Melissa works as a registered nurse and her work hours are non-traditional and should be taken into account. Melissa receives her holiday work schedule approximately two to three years in advance, which will make it easier for them to plan the holiday schedules. Again; however, a parenting coordinator or mediator would probably be best for Melissa and Dan to sit down and devise a parenting plan, with the principle in mind that Melissa is the sole custodian and primary residential parent; however, we strongly believe that the children need to have adequate time with their father to maintain the bond that they have with him. When the children begin preschool, kindergarten, etc., then a revised plan will need to be made, given the geographical distance between the parents.

CONCLUSION:

Thank you for referring this family to us. If you need any additional information or clarification, please do not hesitate to contact us.

[NOTE: At no time should any parent reveal ANY of the information contained in this document to any of the children. This, of course, would be an act of severe selfishness by the parents and is not in the children's best interest. If these examiners or the Court learn that either parent has done so, we recommend that the Court deal harshly with this matter.]

Sincerely,

Ed Connor, Psy.D., R.C.E.

Ed Connor, Psy.D., R.C.E.
Licensed Psychologist
KY License #1007
Registered Custody Evaluator

Sara Jones-Connor, Ph.D.

Sara Jones-Connor, Ph.D.
Licensed Psychologist
KY License #1256

EC/tbj

Exhibit D

CONNOR & ASSOCIATES, PLLC

General Forensic and Clinical Psychology

34 Erlanger Road

Erlanger, Kentucky 41018

Phone: 859-341-5782

Fax: 859-341-5783

FACSIMILE TRANSMITTAL

TO: Judge Taul. ; cc: Dan Brewington + Angela Loechel

FROM: Ed Connor, Psy.D.

RE: Brewington vs. Brewington

DATE: 4/1/08

No. of pages transmitted (including cover sheet): 2

Transmitted by: Ellen Busse

Message:

NOTE: This electronic transmittal is of a confidential nature and is intended only for the above-designated person(s). If you have (or believe you may have) received this transmission in error, please call (859) 341-5782 (call collect if long distance.) This transmittal is to be destroyed if received in error and you are not able to deliver it to the intended person noted above. Thank you.



Connor and Associates, PLLC
General Psychological Services

Forensic Assessment, Consultation & Treatment

Edward J. Connor, Psy.D.
Sara Jones-Connor, Ph.D.
Jean A. Deters, Psy.D.
Ellen Yass-Reed, M.A.
Steve Hocrsting, M.Ed.
Sharon Davis, L.P.C.C.

April 1, 2008

Hon. Judge Carl H. Taul
VIA FACSIMILE 812-689-6104

**RE: Melissa Brewington
Vs.
Daniel Brewington**

**Petitioner
Respondent**

CAUSE No.: 69C01-0701-DR-007

Dear Judge Taul,

With this letter please be advised that Mr. Daniel Brewington arrived at my office at 8:00a.m. on 3/31/08 for his scheduled update to the 2007 custodial evaluation. However, Mr. Brewington stayed only long enough to inform me that he would not be participating in the update, which in fact, he requested. Two hours had been set aside for Mr. Brewington's appointment. On 3/31/08, Mr. Brewington also stated that he wants a copy of the case file. Based on your letter dated 3/26/08 stating that Mr. Brewington is entitled to the evaluation only, we will not be releasing the case file to him. Furthermore, I am concerned as to Mr. Brewington's intentions regarding this case file considering that it holds not only his confidential information, but also Ms. Brewington's.

Ms. Melissa Brewington attended her appointment as scheduled on 3/31/08 and paid her portion of the fee (\$350) in full.

If you have any questions, please feel free to contact my office at any time.

Sincerely,

Ed Connor, Psy D

Ed Connor, Psy.D.
Licensed Psychologist
KY License #1007

EC/egb

CC: Dan Brewington
Hon. Angela Loechel

Complaint No: _____

Date Received: _____

**KENTUCKY BOARD OF PSYCHOLOGY
Complaint Form**

Exhibit E

Person Filing Complaint

Name: Daniel P. Brewington

Address: 4104 E. Co. Rd. 300N City: Milan State: IN Zip Code: 47031

Day Telephone: (513) 383 - 3136 Evening Phone: (513) 383 - 3136

**Patient Information
(If Applicable)**

Name: _____

Address: _____ City: _____ State: _____ Zip Code: _____

Day Telephone: () - Evening Phone: () -

Relationship to person filing complaint: _____

Name of Psychologist

Name: Edward J. Connor Psy D of Connor and Associates, PLLC

Address: 34 Erlanger Rd City: Erlanger State: KY Zip Code: 41018

Day Telephone: (859) 341 - 5782

Name and phone number of persons who may provide additional information

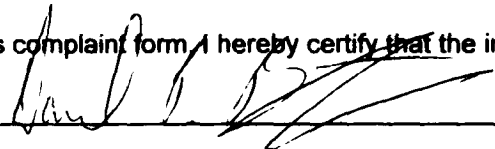
- | | | | | | |
|----------|-----------------------|------------|-------------------------|----------------------|--|
| 1. Name: | <u>Sue Brewington</u> | Telephone: | <u>[REDACTED]</u> | Type of Information: | <u>Witness</u> |
| 2. Name: | <u>Doug Logan MD</u> | Telephone: | <u>(513) 984 - 1000</u> | Type of Information: | <u>Treating doctor</u> |
| 3. Name: | <u>[REDACTED]</u> | Telephone: | <u>[REDACTED]</u> | Type of Information: | <u>Electrical Engineer,
personal reference</u> |
| 4. Name: | _____ | Telephone: | <u>() -</u> | Type of Information: | _____ |

Brief Summary of Complaint

(Please be specific as possible regarding names, dates, locations, and action which you believe to be improper, unethical or unprofessional. Please attach copies of any documents or records pertinent to your complaint.)

Complaint is attached hereto

By signing this complaint form, I hereby certify that the information is complete and true to the best of my knowledge.

Signature:  Date: 3/16/09

If your complaint concerns your treatment by the psychologist, please sign and enclose the "Client Agreement to Release Information" form.

Send to: KENTUCKY BOARD OF PSYCHOLOGY
PO BOX 1360
FRANKFORT, KY 40601

Phone: (502)564-3296
Fax: (502)564-4818

Daniel P. Brewington
4104 East County Road 300 North
Milan, IN 47031
812-654-2958 home
513-383-3136 mobile
812-654-2000 fax
dan@dadsfamilycourtexperience.com

Kentucky Board of Examiners of Psychology
911 Leawood Drive
Frankfort, KY 40601

March 16, 2009

Dear Members of the Board,

I filed a complaint against Edward J. Connor Psy. D., dated November 18, 2008, with the Kentucky Board of Examiners of Psychology. Dr. Connor filed two subsequent responses to my complaint with the Board, dated December 22, 2008 and January 16, 2009. A majority of the information provided in Dr. Connor's responses was false and brings to light new violations of KRS 319.082 and in support thereof is as follows:

1. In Dr. Connor's January 16, 2009 response (attached hereto as Exhibit A), Dr. Connor stated "It further supports my inability to release the entire case file to Mr. Brewington given that his wife declined to consent to the release of her records."
 - a. On page 4 of Dr. Connor's April 16, 2008 addendum to the custody evaluation (attached hereto as Exhibit B) Dr. Connor wrote "Mr. Brewington is correct in stating that our contract indicates that we would provide the file to the representing attorney; however, given the circumstances, we believe a Court order is necessary to release the file to Mr. Brewington, given that he is representing himself pro se."
2. Dr. Connor's January 16, 2009 response stated, "(Mr. Brewington's) letter provides further indication of his inability to comprehend the basic concept of confidentiality that prevents me from releasing his wife's records to him. It is further indicative of his tendency to misconstrue and/or distort information to suit his personal agenda."
 - a. As a Client of a Health Care Provider, I am entitled to my Health Record.
 - b. KRS 403.300 (attached hereto as Exhibit C) states that the investigator, concerning an investigation of child custody arrangements shall make available to counsel and to any party not represented by counsel the investigator's file of underlying data, and reports, complete texts of diagnostic reports made to the investigator pursuant to the provisions of subsection (2), and the names and addresses of all persons whom the investigator has consulted.
 - c. In a March 26, 2008 letter (attached hereto as Exhibit D), Dr. Connor told me "If I receive verification from the Court of your pro-se status, I would

be happy to release the chart records to you. However, given the large amount of documentation and extra staff time required for copying, I cannot guarantee that the records will be ready for you in advance of our 3/31/08 appointment."

- d. Dr. Connor told me that I was entitled to the case file.
 - e. Unless Dr. Connor can provide a document with my signature on it waiving my rights to the case file/health record or a protective order from a court of law, then Dr. Connor is required, by law and by Dr. Connor's contract, to provide me with a copy of the case file.
3. In Dr. Connor's December 22, 2008 response (attached hereto as Exhibit E), Dr. Connor stated "All of the interviews of the principle participants and collateral sources, assessments, observations, document review and report preparation were conducted at my office in Erlanger, Kentucky. A brief home visit was conducted at each parent's residence for purposes of observing the environments in which the children resided."
- a. On Page 17 of the evaluation (attached hereto as Exhibit F), Dr. Connor wrote "It was agreed that Dan's mother would be present at the home visit for Dr. Connor to interview. Upon arrival, Dan stated that he thought his mother would be there soon, but after being at the home for approximately an hour and a half, Dan's mother did not arrive and therefore, was not interviewed."
 - b. On Page 3 of the April 16, 2008 addendum to the evaluation (attached hereto as Exhibit G), Dr. Connor wrote "Please note that Dr. Connor discussed in advance with Mr. Brewington that he would interview (the paternal grandmother) at Mr. Brewington's home visit to which Mr. Brewington agreed. Dr. Connor waited an extra forty minutes at the home visit for (the paternal grandmother) to arrive; however, she never did. Mr. Brewington maintains that he and his mother were not aware that his mother was supposed to attend the home visit."
 - c. Dr. Connor's notes from his 8/04/08 visit to my home (attached hereto as Exhibit H) demonstrate that Dr. Connor had intended on conducting a collateral interview with my mother while the children were present.
 - d. Dr. Connor never requested that the paternal grandmother be present.
 - e. Dr. Connor never attempted to contact my mother.
 - f. Dr. Connor's 8/04/08 notes state that I rambled indicating that he conducted an interview at my home while I was under the impression that the visit was to observe the children in their environment.
 - g. Dr. Connor interviewed me and made me leave my three year old daughter in an adjoining room while Dr. Connor interviewed me about information sensitive to the children.
4. On Page 2 of his 12/22/08 response Dr. Connor wrote "several of the references to Mr. Brewington's ADHD and medication dosages in the report reflect the mother's statements or opinions, not mine."
- a. The mother is not a medical doctor and has had no professional experience or training in diagnosing and/or treating adults with ADHD.
 - b. The mother falsely accused me of suffering from bipolar disorder.

- c. Dr. Connor claimed in the evaluation that he interviewed me extensively and came to the conclusion that I was not bipolar.
 - d. Dr. Connor did not interview me extensively regarding bipolar disorder.
 - e. Dr. Connor and I had discussed how it would be nearly impossible for someone taking 50 mgs of Ritalin, 3 to 4 times a day for five years under the close supervision of a therapist and medical doctor, to suffer from bipolar disorder.
5. On Page 3 of his 12/22/08 response Dr. Connor wrote "On 7/9/07, Mr. Brewington sent a letter to (his treating therapist) of the Affinity Center along with a release of information which he states, 'Dr. Connor said a faxed paragraph from you regarding me would be fine,' although I had actually requested the records."
- a. On Page 10 of the 8/29/07 custody evaluation (attached hereto as Exhibit I) Dr. Connor wrote "Dan was asked to provide a summary letter from the Affinity Center but as of the date of this dictation has failed to do so."
 - b. Dr. Connor never requested that I provide him a copy of my health record from The Affinity Center.
 - c. I offered Dr. Connor my records from The Affinity Center on two separate occasions.
 - d. My therapist talked to Dr. Connor's office and was told that the phone conversation would be sufficient.
 - e. Dr. Connor has never confirmed or denied the phone conversation with The Affinity Center.
6. On Page 3 of his 12/22/08 response Dr. Connor wrote "while protecting Mr. Brewington's confidentiality, I consulted with two professional peers experienced with ADHD treatment."
- a. Dr. Connor failed to mention these "professional peers" prior to his 12/22/08 letter to the Board.
 - b. KRS 403.300 states that Dr. Connor is obligated to list all of the people with whom he consulted as they are subject to cross examination.
 - c. The fact that Dr. Connor claimed that he had a hard time understanding me and that he needed to consult with two "professional peers", as well as the mother of the children who has no professional experience in diagnosing and/or treating ADHD, brings into question if Dr. Connor was qualified to evaluate and/or administer psychological testing to someone with ADHD; especially as he stated in the evaluation that he never requested my medical records.
7. On Page 3 of his 12/22/08 response Dr. Connor wrote "Mr. Brewington alleges that I have obstructed his access to the case file and that I have discriminated against him because he represents himself pro se." Dr. Connor also wrote "I have in no way 'obstructed' Mr. Brewington's access to the case file."
- a. On page 4 of the addendum to the evaluation (attached hereto as Exhibit B) Dr. Connor wrote "Mr. Brewington is correct in stating that our contract indicates we would provide the file to the representing attorney; however, given the circumstances, we believe that a Court order is

- necessary to release the file to Mr. Brewington, given that he is representing himself pro se.”
- b. Dr. Connor did discriminate against me because I was a pro se litigant.
8. On Page 4 of his 12/22/08 response Dr. Connor wrote “I sent a letter to Judge Taul on 3/26/08 inquiring as to whether Mr. Brewington was permitted to have a copy of the case file given his pro se status.”
- a. The fact that Dr. Connor had to ask if I was entitled to the case file given my “pro se status” is discriminatory in itself.
9. On Page 4 of his 12/22/08 response Dr. Connor wrote “Mr. Brewington further alleges that I have provided portions of the case file to the mother’s attorney, which is simply not true. I don’t know what he is basing this false belief on and therefore can only state that he is in error.”
- a. Dr. Connor provided the Board with “**Attachment H**” (attached hereto) with his 12/22/08 response.
- b. **Attachment H** a letter to me that Dr. Connor copied to the Court and opposing counsel.
- c. On page 2 of **Attachment H**, Dr. Connor stated that he provided a copy of my letter to opposing counsel.
- d. My correspondence with Dr. Connor is considered confidential and part of my health/case file.
- e. If Dr. Connor claims the information is not confidential because I am representing myself, Dr. Connor failed to provide me with copies of correspondence he had with opposing counsel.
- f. Dr. Connor sent several pages of similar correspondence to opposing counsel.
10. On Page 5 of his 12/22/08 response Dr. Connor wrote “Mr. Brewington alleges in his complaint to the Board that I ‘entered into an agreement to provide individual psychological services’ for his wife. This is yet another patently false claim. I again do not know how Mr. Brewington arrived at this erroneous conclusion but would stress that I have never provided individual psychological services to the mother in this case.”
- a. Please see Dr. Connor’s Office Policy Statement (attached hereto as Exhibit J) which states “When seeking individual psychological services, you have the right to expect that issues discussed during the course of individual psychotherapy will be kept confidential.”
- b. The document has the mother’s initials and signature on it.
- c. The document discusses policies regarding “therapy” which wasn’t in the scope of a child custody evaluation.
11. On Page 5 of his 12/22/08 response Dr. Connor wrote “I scheduled a follow up appointment with Mr. Brewington to meet and review his concerns; however, he showed up at my office at the scheduled time and when I met him in the waiting room, he stated he would not be staying and turned and left the building without explanation.”
- a. Dr. Connor failed to mention the 11 page letter (attached hereto as Exhibit K) I gave him that detailed the reasons why I didn’t feel comfortable meeting with him; the main reason being Dr. Connor’s conflicting

- statements regarding the release of the case file. I faxed a copy to opposing counsel that same morning (3/31/08).
- b. Dr. Connor did not meet me in the waiting room; he was behind the glass in the office area.
 - c. When I informed Dr. Connor that I wasn't going to participate in the additional session, Dr. Connor became noticeably angry and walked out of sight.
 - d. I called for Dr. Connor to come back and when he did, I provided him with a copy of the 11 page letter.
 - e. I have a digital recording of the event documenting what was said.
12. Throughout Dr. Connor's responses to my complaint, Dr. Connor insists that he complied with 201 KAR 26:145 Section 7 (5) which states "If service is rendered to more than one (1) client during a joint session, the credential holder shall at the beginning of the professional relationship clarify to all parties the manner in which confidentiality shall be handled."
- a. Dr. Connor wrote in his January 16, 2009 letter to the Board that "The Provisions to Serve as an Impartial Expert in a Custody Evaluation" agreement (attached hereto as Dr. Connor's Attachment C), signed by the parties, "further supports my inability to release the entire case file to Mr. Brewington given that his wife declined to consent to the release of her records."
 - b. The mother did consent to the release of her records because she signed the "Release of Information and Consent" agreement from Dr. Connor's office, on 6/05/07 (attached hereto as Exhibit L) which states "I understand that any or all of the information Dr. Connor, Dr. Jones-Connor, Dr. Deters and/or Ms. Davis gather through psychological testing, interviews with myself, my child(ren) or the child(ren)'s other parent or collateral interviews, or any document provided to them, may be included in the final report that will be sent to the Judge or Commissioner and to each attorney. I also understand that Dr. Connor, Dr. Jones-Connor, Dr. Deters and/or Ms. Davis may be asked to testify at the conclusion or final hearing in the case. This waiver includes Dr. Connor's, Dr. Jones-Connor's, Dr. Deters' and/or Ms. Davis' testimony as well. Therefore I waive my rights to confidentiality and will not hold Dr. Connor, Dr. Jones-Connor, Dr. Deters and/or Ms. Davis liable for the information they release in their final report or to others whom they interview."
13. On Page 6 of his 12/22/08 response Dr. Connor wrote "I believe it is Mr. Brewington who is potentially dangerous given his profile and behavior thus far."
- a. Dr. Connor has failed to provide anyone with any documentation supporting his belief that I may be dangerous and Dr. Connor has failed to inform the Court or proper authorities of any concerns he may have about me being a danger to my children or their mother.
 - i. If Dr. Connor had one shred of evidence that I was a potential danger he would have shown it to someone by now.
 - b. Dr. Connor failed to provide the Board with his "two very large binders filled with documentation from this case including voluminous

correspondence from Mr. Brewington as well as (Dr. Connor's) numerous responses to (Mr. Brewington's) concerns." Dr. Connor stated "Rather than forwarding all of these documents to the Board, which I believe would be overwhelming and not entirely useful, I am providing those documents that are directly relevant to Mr. Brewington's complaint and my responses."

- c. Instead of providing the Board with his "two very large binders filled with documentation" because it would not be entirely useful, Dr. Connor provided the Board with twenty-one (21) pages of information consisting of my website that was create on 9/3/08, over a year after Dr. Connor completed the evaluation, and copies of internet business listing/review sites where I left Dr. Connor a less than favorable rating because of Dr. Connor's persistence in obstructing my access to the case file and his propensity for not telling the truth.
 - d. Dr. Connor did provide the Board with a copy of the addendum to the custody evaluation report which states that I am entitled to the case file yet Dr. Connor was not going to provide me a copy of the file because I wasn't an attorney. (See 1. (a) of this complaint)
 - e. Dr. Connor felt his "two very large binders" weren't directly relevant yet Dr. Connor wrote "There is also a category on the website referencing (the former Judge) described as 'Under Construction,' suggesting the judge in this case may be the next target of Mr. Brewington's website" without giving any indication of how this is relevant to the complaint.
14. At the end of Dr. Connor's 12/22/08 letter he informs the Board "I have consulted with an attorney with regard to filing a restraining order against Mr. Brewington and/or filing charges of harassment, defamation of character, or slander but I have not taken these steps as of yet and would prefer not to do so."
- a. Dr. Connor has a responsibility to inform the proper authorities if he believes that I serve that great of threat to people around me.
 - b. The reason why Dr. Connor doesn't file charges or take legal action is because he doesn't have any evidence supporting his case.
 - c. My opinions and statements regarding Dr. Connor being a "very dangerous man who abuses his power" have only been strengthened by Dr. Connor's failure to provide the Kentucky Board of Examiners of Psychology with truthful information in Dr. Connor's attempt to avoid disciplinary/criminal action and to bring further harm to me.

Dr. Connor has demonstrated that he is either not telling the truth to avoid disciplinary/criminal action; or Dr. Connor has demonstrated that he is unaware that he is not telling the truth. Both of the scenarios are a violation of KRS 319.082 and both of the scenarios are very frightening considering Dr. Connor's broad scope of practice. I would hope that the Board will take immediate action in order to protect my children and me from further retaliation from Dr. Connor.

Given the Board's recent rulings on Dr. Connor, I am going to provide copies of this complaint to other state agencies, in Indiana and Kentucky, as well as the APA in

order to be sure the matter is handled in an appropriate fashion. I am also going to provide copies to an attorney and a few experts in the mental health field in order to protect myself in case Dr. Connor would try to use his position to retaliate against me as he has already threatened legal/criminal action against me. Any copies of this complaint sent to other individuals will have the names of the mother and others mentioned in the complaint, who are not directly involved in the complaint, removed to protect their privacy.

I am sure the Board will take prompt action as failing to cooperate with the Board during the complaint process is a violation of KRS 319.082 Section 1. (g) (2) regarding "not furnishing in writing a complete explanation covering the matter contained in the complaint filed with the board." Please forward to me any public record dealing with this case as it comes up. It may also be necessary for me to review Dr. Connor's response to this complaint to help determine if Dr. Connor is providing the Board with truthful information. Please let me know who will be reviewing/investigating the matter as well as who will be serving as the Board's legal counsel for this complaint. I also would like a copy of the declaratory ruling or opinion that allows the Board to conduct the complaint process in a different manner than as described in 201 KAR 26:130. 201 KAR 26:130 states "At the next regularly-scheduled meeting of the board or as soon thereafter as practicable, the board shall review the initiating complaint. At that time, the board shall determine if an investigation is warranted, and if so, the board may appoint one (1) of its members or any agent or representative of the board to conduct an investigation of the complaint." The Board's recent policy is to have the accused psychologist submit a response before the Board decides if the initial complaint warrants an investigation which has the potential to hamper a proper review of the complaint if the psychologist decides to provide the Board with false information as with the current case of Dr. Connor.

Thank you for your time and I expect to hear from you soon.

Sincerely,

Daniel P. Brewington

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Connor and Associates, PLLC
General Psychological Services

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JAN 20 2009

**DIV. OF OCCUPATIONS
& PROFESSIONS**

Forensic Assessment, Consultation & Treatment

Edward J. Connor, Psy.D.


January 16, 2009

S. Abby Shapiro, Ph.D., Chair
Kentucky Board of Examiners of Psychology
Julie G. Jackson, Board Administrator
Division of Occupations and Professions
P.O. Box 1360
Frankfort, Kentucky 40602

RE: Response to Complaint No. 08-15

Dear Ms. Shapiro and Ms. Jackson:

Please accept the attached documents received from Mr. Dan Brewington for consideration in the above referenced complaint. His letter provides further indication of his inability to comprehend the basic concept of confidentiality that prevents me from releasing his wife's records to him. It is further indicative of his tendency to misconstrue and/or distort information to suit his personal agenda.

As I noted in my original response to the complaint, Mr. Brewington reviewed and signed "The Provisions to Serve as an Impartial Expert in a Custody Evaluation" prior to beginning the custody evaluation process. The document clearly stated "we are not permitted to release your ex-spouse's test data without their consent even to another psychologist." This is consistent with 201 KAR 26:145 Section 7 (5) and the requirement that the professional inform the parties at the beginning of the relationship as to how confidentiality will be handled. It further supports my inability to release the entire case file to Mr. Brewington given that his wife declined to consent to the release of her records.

Thank you for your consideration.

Sincerely,

Ed Connor, Psy.D.

Edward J. Connor, Psy.D.
Licensed Psychologist

Exhibit A

Exhibit B

RE: Brewington vs. Brewington

DATE: 4/16/2008

PAGE: 4

participated in the invitation for an interview with these examiners because she may "see how Mr. Brewington really is and therefore does not participate."

In summary, we apologize for the errors noted above, but in the "bigger picture," it remains our opinion that Mr. Brewington and [REDACTED] simply do not meet the criteria for joint custody, as this is a "high conflict" custody dispute with dynamics that are not conducive to joint custody or shared parenting. In our report, we state that Mr. Brewington and [REDACTED] psychometric profiles "...are quite different and clearly indicate that their relationship will continue to be fraught with agitation, disorganization, ineffective communication, and over-reaction to minor details and perceived criticisms. As such, joint custody will only lead to further arguments and possible litigation," (page 27). Unfortunately, it appears this has been the case since our report was completed over seven months ago. Thus, our recommendation remains that [REDACTED] have sole custody of the minor children, as we believe she is the parent who is more capable of communicating and cooperating effectively with regard to co-parenting the children.

On page 28 of the original custody report, in the last paragraph, the examiners state, "It is clear that the children are very attached to both parents. Both parents love their children dearly and it is unfortunate that they will not be able to co-parent the children; however, we believe that the recommendation is in the children's best interest. Mr. Brewington can certainly provide child care for the children, but we believe that minimizing the amount of time he has with the children will in fact sustain their existing bond. Even though we recommend that Mr. Brewington's time with the children be minimized, we certainly understand that the children value their relationship with him, as he can be quite stimulating and fun for them; however, with regard to day to day routines, predictability, and remaining focused on tasks, we believe that [REDACTED] would be the more effective parent. We furthermore believe that Mr. Brewington would have difficulty consistently providing [REDACTED] with information and cooperating with her, than [REDACTED] would with Mr. Brewington." Again, our opinion on this matter has not changed and in fact, it has been reinforced given the apparent difficulties that persist in this case. Our concerns regarding Mr. Brewington's ability to cooperate and communicate have only been heightened by his actions since the evaluation as reported by [REDACTED] and also by our own experience and observations in attempting to communicate with him. [REDACTED] reports that Mr. Brewington has had difficulties and breakdowns in communication not only with her but also with his attorneys, the appraiser, and the tax person. If her report is accurate, it suggests that Mr. Brewington displays a general pattern of communication difficulty that again, would likely impair a joint co-parenting process.

Finally, Mr. Brewington has requested the case file on a number of occasions. Mr. Brewington is correct in stating that our contract indicates we would provide the file to the representing attorney; however, given the circumstances, we believe that a Court order is necessary to release the file to Mr. Brewington, given that he is representing himself pro se. It is our understanding that your Honor's statement via correspondence

403.300 Investigation: court may order in custody proceedings – Attorney to receive copy.

- (1) In contested custody proceedings, and in other custody proceedings if a parent or the child's custodian so requests, the court may order an investigation and report concerning custodial arrangements for the child. The investigation and report may be made by the friend of the court or such other agency as the court may select.
- (2) In preparing his report concerning a child, the investigator may consult any person who may have information about the child and his potential custodial arrangements. Upon order of the court, the investigator may refer the child to professional personnel for diagnosis. The investigator may consult with and obtain information from medical, psychiatric, or other expert persons who have served the child in the past without obtaining the consent of the parent or the child's custodian; but the child's consent must be obtained if he has reached the age of 16, unless the court finds that he lacks mental capacity to consent. If the requirements of subsection (3) are fulfilled, the investigator's report may be received in evidence at the hearing.
- (3) The clerk shall mail the investigator's report to counsel and to any party not represented by counsel at least 10 days prior to the hearing. The investigator shall make available to counsel and to any party not represented by counsel the investigator's file of underlying data, and reports, complete texts of diagnostic reports made to the investigator pursuant to the provisions of subsection (2), and the names and addresses of all persons whom the investigator has consulted. Any party to the proceeding may call the investigator and any person whom he has consulted for cross-examination. A party may not waive his right of cross-examination prior to the hearing.

History: Created 1972 Ky. Acts ch. 182, sec. 20.



Connor and Associates, PLLC

General Psychological Services

Forensic Assessment, Consultation & Treatment

Exhibit D

Edward J. Connor, Psy.D.
Sara Jones-Connor, Ph.D.
Jean A. Detert, Psy.D.
Ellen Yast-Reed, M.A.
Stacy Hoersting, M.Ed.
Sharon Davis, L.P.C.C.

March 26, 2008

Mr. Dan Brewington
4104 East County Rd. 300N
Milan, IN 47031
VIA FACSIMILE 812-654-2000

RE: Your letter dated 3/4/08 and faxed on 3/25/08

Dear Mr. Brewington,

In response to your letter dated 3/4/08, which was faxed to our office on 3/25/08:

- We would be happy to send Dr. Pentz a copy of your psychological test data as you requested.
- With regard to your statement that you have "filed an appearance as a pro-se individual" so that the case file can be mailed to your home address or that you can pick this up in our office, please understand that we must first verify this with Judge Faul. A letter was sent to Judge Faul today requesting his response as soon as possible. If I receive verification from the Court of your pro-se status, I would be happy to release the chain records to you. However, given the large amount of documentation and extra staff time required for copying, I cannot guarantee that the records will be ready for you in advance of our 3/31/08 appointment.
- With regard to your request to have your session tape recorded, that is fine and I will do the same. Our intent is to be sure that no factual information is inaccurate. However, it is not possible for you to have a third party accompany you to the session as a "witness" given the confidential nature of the evaluation and information to be discussed.
- Please understand that during this session, I will not elaborate or define my opinion on any matter as this is reserved for a deposition and/or live testimony with the other party's attorney present and/or for the Judge's interpretation of my opinions.

Connor and Associates, PLLC
General Psychological Services

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Forensic Assessment, Consultation & TreatmentDIV. OF OCCUPATIONS
Edward F. Sowell, Psy.D.**Exhibit E**

December 22, 2008

S. Abby Shapiro, Ph.D., Chair
Kentucky Board of Examiners of Psychology
Julie G. Jackson, Board Administrator
Division of Occupations and Professions
P.O. Box 1360
Frankfort, Kentucky 40602

RE: Response to Complaint No. 08-15

Dear Ms. Shapiro and Ms. Jackson:

I am writing in response to the initiating complaint filed by Mr. Dan Brewington. I conducted a custody evaluation in 2007 in the Brewington case [REDACTED] per an Agreed Order in the Ripley County Circuit Court in the State of Indiana. All interviews of the principal participants and collateral sources, assessments, observations, document review and report preparation were conducted at my office in Erlanger, Kentucky. A brief home visit was conducted at each parent's residence for purposes of observing the environments in which the children resided. The custody report, of which the Board has a copy, was submitted to the Court in August 2007.

In reviewing Mr. Brewington's letter to the Board, it is somewhat difficult to ascertain the specific complaint(s) given the manner in which his concerns are presented; however, with the information provided, I will address his complaints as I interpret them to be.

Complaint #1:

Mr. Brewington refers to my stated concerns and multiple references throughout the report to his ADHD diagnosis and medication dosage. He states I did not review his mental health records and appears to suggest that I did not have sufficient information to arrive at the conclusion that his ADHD is severe and therefore presents a problem for joint custody.

Response:

Mr. Brewington is correct in that I referred to his diagnosis of ADHD multiple times within the report. I found Mr. Brewington to be very confusing and difficult to follow, despite my years of experience in interviewing numerous clients with

RE: Complaint # 08-15
DATE: 12/22/08
PAGE: 2

varying forms and degrees of psychopathology. My personal notes reflect my difficulty in communicating with Mr. Brewington, which was a primary concern raised by the mother as a significant impediment to effective joint custody. In fact, several of the references to Mr. Brewington's ADHD and medication dosages in the report reflect the mother's statements or opinions and not mine. The mother stated she was concerned about his ADHD and provided several letters written to her by Mr. Brewington, which I reviewed and again, found difficult to follow.

My own noted concerns about Mr. Brewington's ADHD diagnosis were based on multiple contacts with him throughout the course of the evaluation in which I had the opportunity to observe his tendency to ramble, repeat himself, perseverate on details and be rather disjointed and confusing in doing so. He did not appear to listen and talked excessively. I timed Mr. Brewington's incessant talking on two occasions, as I believed this to be a critical issue with regard to co-parenting and communication. On one occasion, he talked nonstop for 35 minutes and on another, he talked nonstop for nearly 60 minutes. Despite reportedly being on medication at the time of his interviews with me, Mr. Brewington's attention and communication deficits were quite apparent.

In addition to his clinical presentation, I took into account Mr. Brewington's repeated references to his own diagnosis and treatment for ADHD both in our conversations and in documents he provided. This includes his statement that he takes 50 mg of Ritalin three to four times per day for ADHD. In fact, Mr. Brewington stated to me, "My mind is like a tornado in a library, but with Ritalin all the books are in place." (Custody Report, p. 12, par. 5) Despite reportedly taking his medication at the times that I interviewed him, it was my clinical opinion that Mr. Brewington was still unfocused and disjointed in his communication and thought processes. He further stated in an unsolicited letter to the mother's therapist that he has been treated for ADHD since 2000 at the Affinity Center and that results of their testing placed him in the 98th percentile of ADHD cases. (Attach. A, p. 1, par. 2) Additionally, the results of Mr. Brewington's psychometric testing are noted on pages 22-24 of the Custody Report and further support the concerns about attention problems as well as Mr. Brewington's characterological issues that prompted me to recommend sole custody to the mother. I would respectfully request that the Board review this section of the report carefully, as I believe it would provide further insight into the clinical concerns taken into account in completing this custody evaluation and arriving at the corresponding conclusions and recommendations.

RE: Complaint # 08-15

DATE: 12/22/08

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With regard to Mr. Brewington's allegation that I did not review his mental health records, in my second interview with Mr. Brewington on 7/5/07, I requested that he have his records sent to me from the Affinity Center where he was being treated. The same was requested of the mother and in fact, I received the records from her treatment provider prior to release of the report. On 7/9/07, Mr. Brewington sent a letter (Attach. B) to [REDACTED] of the Affinity Center along with a release of information in which he states, "Dr. Edward Connor said a faxed paragraph from you regarding me would be fine," although I had actually requested the records. Mr. Brewington further stated he believes "the main thing they want to know is if I can be a responsible parent with my ADHD." Unfortunately, I did not receive any information from the Affinity Center prior to the release of the custody report and thus, I relied on my clinical observations and Mr. Brewington's self report regarding his ADHD symptoms.

As mentioned, Mr. Brewington reported to me that he takes 50 mg of Ritalin three to four times a day, which I noted in the report. While I am not a physician, in my experience working with numerous clients with ADHD, this seemed to be a very high dose of Ritalin. Therefore, while protecting Mr. Brewington's confidentiality, I consulted with two professional peers experienced with ADHD treatment. Both confirmed that the Ritalin dose prescribed to Mr. Brewington seemed to be quite high, as did my review of the FDA guidelines and the Physician's Desk Reference (PDR) concerning typical adult Ritalin doses. Mr. Brewington himself stated that he had to schedule more frequent follow-up medication consults because of the higher than normal dose of Ritalin he was being prescribed.

All of the above factors were strongly considered in reaching my opinion that Mr. Brewington is an individual with serious attention deficits and characterological issues who would have extreme difficulty communicating and cooperating with the mother in the spirit of joint custody.

Complaint #2: Mr. Brewington alleges that I have obstructed his access to the case file and that I have discriminated against him because he represents himself pro se. He further alleges that I have released portions of the case file to the mother's attorney in this case.

Response: I have in no way "obstructed" Mr. Brewington's access to the case file. Mr. Brewington signed "The Provisions to Serve as an Impartial Expert in a Custody Evaluation" on 06/18/07, prior to beginning the custody evaluation process. This document outlines for both parties the parameters of the evaluation. It includes a clause regarding the limits of releasing the data (Attach. C, p. 2, par.

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2), in which it is clearly stated, "Please note that we are not permitted to release your ex-spouse's test data without their consent even to another psychologist." This is a critical statement in the Provisions, which Mr. Brewington has persistently ignored.

Once Mr. Brewington elected to represent himself pro se, he believed he was entitled to a copy of the entire case file, which includes the mother's records in addition to his own. He sent numerous requests for the file to our office. I made a concerted effort to determine both the mother's and the Court's position on the matter. I sent a letter to Judge Taul on 3/26/08 inquiring as to whether Mr. Brewington was permitted to have a copy of the entire file given his pro se status. (Attach. D) The judge responded in a letter dated 3/26/08 stating, "This Court has only ordered that Mr. Brewington have a copy of your evaluation, at this point." (Attach. E) I further spoke directly with the mother who stated her attorney advised her not to provide consent to release her records to Mr. Brewington. I subsequently addressed the matter in an Addendum sent to the Court dated 4/16/08 (Attach. F, pp. 4-5) in which Mr. Brewington and the opposing attorney were both copied. Furthermore, [REDACTED] entered an order dated 7/21/08 in which he denied a motion by Mr. Brewington for release of the file stating, "The Court does not believe it appropriate to order the divulsion of a physician or therapist's entire file." (Attach. G, p. 2, Item 3) Mr. Brewington ignored the Court's ruling and sent yet another request for the file to me on 8/4/08 to which I sent a letter of response dated 8/4/08, (Attach. H, p.1, Items 1 & 2) reiterating that privacy laws prevented me from releasing the entire file without the mother's consent or a Court order directing me to do so.

Please note that while confidentiality of records is always crucial, it is particularly of concern in this case given the father's pro se status, his history of intimidation and aggressive behavior toward the mother and his pattern of perseverating on the details of documents and drawing interpretations and conclusions, which at times have been inaccurate. Mr. Brewington mistakenly interprets my inability to release the file as discrimination and retaliation against him. He suggests in his letter to the Board that I have failed to comply with laws and ethics when in fact, it is specifically the laws and ethics that govern my profession that prohibit me from releasing the case file without the mother's consent or a Court order to do so.

Mr. Brewington further alleges that I have provided portions of the case file to the mother's attorney, which is simply not true. I do not know what he is basing this false belief on and therefore can only state that he is in error. The only information

RE: Complaint # 08-15

DATE: 12/22/08

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released from the file thus far has been Mr. Brewington's test data, which I sent to [REDACTED] at the Affinity Center on 3/27/08, per Mr. Brewington's request.

In addition to the above, Mr. Brewington alleges in his complaint to the Board that I "entered into an agreement to provide individual psychological services" for his wife. This is yet another patently false claim. I again do not know how Mr. Brewington arrived at this erroneous conclusion but would stress that I have never provided individual psychological services to the mother in this case.

I believe I have addressed Mr. Brewington's primary concerns to the Board above; however, if the Board interprets there to be additional concerns, I will readily address them at the Board's request. I have two very large binders filled with documentation from this case including voluminous correspondence from Mr. Brewington as well as my numerous responses to his concerns. Rather than forwarding all of these documents to the Board, which I believe would be overwhelming and not entirely useful, I am providing those documents that are directly relevant to Mr. Brewington's complaint and my responses. However, if there is specific documentation that the Board needs beyond what I have included herein, I will certainly provide it as requested.

Finally, in considering this case, I believe it may be useful for the Board to be aware of some of the events that have occurred since the release of the custody report. I have spent many hours since the conclusion of the evaluation reviewing and responding to Mr. Brewington's numerous faxes, documents forwarded, motions, etc. at no charge to him. Following the release of the report, Mr. Brewington sent a 17-page letter listing his various concerns with the report and his opinion that there were numerous errors, omissions, etc. I scheduled a follow-up appointment with Mr. Brewington to meet and review his concerns; however, he showed at my office at the scheduled time and when I met him in the waiting room, he stated he would not be staying and turned and left the building without explanation. I conducted a follow-up meeting with the mother to address a few errors she noted. The previously mentioned Addendum to the Court (Attach. F) includes basic corrections noted from the mother's interview and Mr. Brewington's written correspondence such as names and dates, none of which impacted the conclusions or recommendations made. In this addendum, I further resented any comments or adjectives referencing Mr. Brewington's medication dose as "high" after he provided me with a letter written by [REDACTED] of the Affinity Center three and one half months after the custody report was released. [REDACTED] a licensed social worker, states in his letter to Mr. Brewington that his Ritalin dose is "easily within the dose range for adults." (Attach. I, p. 2, Item 8) While this appeared to contradict the dosage information I gathered from multiple sources, I deferred to the treatment provider's opinion on the matter.

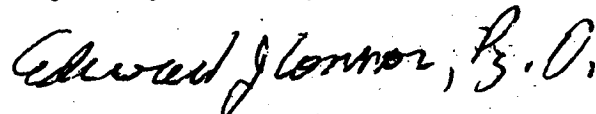
RE: Complaint # 08-15
DATE: 12/22/08
PAGE: 6

As Mr. Brewington stated in his complaint, he created his own website, www.dadsfamilycourtexperience.com, (Attach. J) in which he makes negative remarks about me, lists excerpts from confidential correspondence that were taken out of context and posted without my consent, and further makes negative comments about his past legal representatives who are no longer involved in the case. Mr. Brewington posted several emails on his website from his second attorney including one dated 2/20/08 in which the attorney informed Mr. Brewington that he was withdrawing as counsel, citing "the existence of a communication problem." (Attach. J, p. 7, par. 2) There is also a category on the website referencing [REDACTED] described, as "Under Construction," suggesting the judge in this case may be the next target of Mr. Brewington's website. Recently, I was informed that [REDACTED] recused himself and the case will be reassigned for reasons I am not privy to.

Mr. Brewington has posted comments on at least two additional Internet sites in which he falsely accuses me of being a "very dangerous man who abuses his power" and a "criminal." (Attachments K-L) He has also implied in documents filed with the Court that I have engaged in criminal activity without providing any evidence or even a description of the alleged "crime" he believes I have committed. In fact, I have committed no crime and am confident that I have abided by all ethical guidelines and laws in this case. I believe it is Mr. Brewington who is potentially dangerous given his profile and behavior thus far. As such, I have consulted with an attorney with regard to filing a restraining order against Mr. Brewington and/or filing charges of harassment, defamation of character or slander but have not taken these steps as of yet and would prefer not to do so.

In closing, I trust that the Board will review this complaint and case carefully and arrive at the appropriate conclusions. Please feel free to contact me if there are any questions or additional information is needed.

Respectfully Submitted,



Edward J. Connor, Psy.D.
Licensed Psychologist

Enc. Attachments A through L

Exhibit F

NAME: Brewington vs. Brewington
DATE: 08/29/2007
PAGE: 17

session other than the fact that Mary tended to again, engage in inappropriate squealing without correction and that Melissa and her mother appeared to be somewhat over-reactive to an incident in which Mary sat on the castle. The family members seemed to enjoy themselves and be relaxed interacting with one another and Melissa appeared to do a good job of balancing her attention between the two girls and was obviously prepared for the session with various items for them to play with, snacks, and drinks as well.

HOME VISITS:

Home visit with Melissa and the minor children present at the maternal grandparents' home: Melissa currently resides with her parents in a nice neighborhood with ample playing space for the children. The children seem very at ease in the home and certainly are attached to their grandparents. Melissa stated that the residence is temporary due to the uncertainty of the pending divorce and her current state of finances. The children seem to have normal interaction with Melissa and their grandparents and there are no concerns noted. The home provides ample space for this temporary living arrangement. There are no safety hazards noted or observed in this environment. The children have a large fenced in backyard with an above-ground pool and garden.

Home visit with Dan and the minor children present: Dan resides in the marital residence. Of concern, is that there is a very large barn in the backyard where the roof is obviously sinking and appeared to be quite dangerous. The rafters are sagging significantly, also presenting a potential danger if the children were to wander into that area. There were also car batteries laying in the yard and numerous buckets. Large pieces of equipment were present that were rusty with jagged corners. The kitchen was very messy with bags of food lying on the counter. The air conditioner was not working on the day of the home visit. In spite of the house's general messiness and uncleanliness, Dan stated, "The reason the house is this clean now is because my mom came over to help me clean it up." He proceeded to say, "The girls and I are destructive and the house is usually a mess."

During the home visit, Mary was awake and interacted well with her father. She showed no approach or avoidance conflict with her father and responded well to his redirection. Mary seemed quite at ease in the environment. Audrey was asleep throughout the home visit and therefore, no observation of Audrey's interaction with her father was observed. However, Dr. Connor did observe Audrey in her crib asleep and she seemed to be very content. [NOTE: It was agreed that Dan's mother would be present at the home visit for Dr. Connor to interview. Upon arrival, Dan stated that he thought his mother would be there soon, but after being at the home for approximately an hour and a half, Dan's mother did not arrive and therefore, was not interviewed.]

Exhibit G

RE: Brewington vs. Brewington
DATE: 4/16/2008
PAGE: 3

Mr. Brewington's dose of Ritalin as being "high," etc. despite what the FDA states about typical adult dosages.

Additionally, in his various correspondences, Mr. Brewington repeatedly refers to the fact that his mother was not interviewed for purposes of the evaluation. Please note that Dr. Connor discussed in advance with Mr. Brewington that he would interview [REDACTED] at Mr. Brewington's home visit, to which Mr. Brewington agreed. Dr. Connor waited an extra forty minutes at the home visit for [REDACTED] to arrive, however, she never did. Mr. Brewington maintains that he and his mother were not aware that his mother was supposed to attend the home visit. Dr. Connor has reiterated more than once in recent letters to Mr. Brewington that he is willing to interview Mr. Brewington's mother and that she should contact the office to schedule an appointment. However, to date, she has not done so.

[REDACTED] indicated in her 3/31/08 session that she and Mr. Brewington continue to have difficulty communicating. She feels that he attempts to intimidate her and stated he has even sent a letter to her suggesting he will send out a survey to her family regarding her behavior. She feels that his writings to her are intimidating, confusing and difficult for her to follow. [NOTE: These examiners have experienced similar problems with Mr. Brewington's communications. [REDACTED] description of documents sent to her by Mr. Brewington is consistent in nature with those he has sent to Dr. Connor as well.] [REDACTED] stated, "I think he is getting worse." She further expressed concern that Mr. Brewington has displayed difficulty communicating with his first attorney and second attorney as well as the appraiser and tax person. [REDACTED] stated that the appraiser left the appraisal due to Mr. Brewington's behavior and stated that they "could do this with the Sheriff's Deputy." According to [REDACTED] "Everything is a conflict," with Mr. Brewington. She stated, "When I do not agree with him, he threatens me with sending out surveys... he is very manipulative."

[REDACTED] also expressed a concern that Mr. Brewington is unemployed and therefore has time to "scheme and plot." [REDACTED] further stated that she believes Mr. Brewington may not want to finalize the divorce because she carries him on her insurance and cannot drop him from the insurance until she has the divorce decree.

[REDACTED] proposed that the parenting schedule be amended to Wednesday from 6:25 a.m. to 8:00 a.m. on Thursday morning until [REDACTED] starts kindergarten" and that there be no weekday overnights with Mr. Brewington once [REDACTED] starts kindergarten. She proposed that Mr. Brewington have equal weekend time, "if he is stable." [REDACTED] also stated in her 3/31/08 session, that the children now stay often with their paternal grandmother more than at the marital residence in Indiana. She believes that Mr. Brewington goes out and leaves the children with the paternal grandmother and that the children do not have proper sleeping arrangements at the paternal grandmother's residence. She also believes that Mr. Brewington's mother has not

Exhibit H

8/4 w/f - HV

④ rumble

- rumble
 - raffles
 - batteries
 - numerous pockets
 - equipment - rusty - sharp corners
 - kitchen messy w/ food/leap
 on counter

- KB work
 @ 11 AM 8/4 - 90°

- messy house

"the reason the house
 is this clean now is
 cause @ came over
 to help us clean up"

"The girls & I are
 destructive" & house
 "usually a mess"

"she was cheating on me
 w/ her parents... &
 w/ another man"

8/9: ④ shows digital pictures of @ home - describes
 @ as "independent" & "goes out by self to play"

→ + whole x

Audrey asleep upon arrival → may awake & interests
 well w/ @ - follows direction

[REDACTED]

Exhibit I

NAME: Brewington vs. Brewington

DATE: 08/29/2007

PAGE: 10

Melissa stated that she breastfed Audrey for four weeks but not Mary. She stated that she provided all hygiene care such as baths for the children and did the majority of the nighttime care. She acknowledged that sometimes Dan would help with Mary at nighttime but that he seemed more interested in Audrey. She also stated that Dan did not attend Audrey's surgery for tubes and she did not know why.

MENTAL HEALTH HISTORY:

As noted above, Dan has attended the Affinity Center for approximately five years and is prescribed 50mg of Ritalin three to four times a day. [NOTE: Dan was asked to provide a summary letter from the Affinity Center but as of the date of this dictation has failed to do so.] Melissa has seen Mary Jo Pollock for Obsessive-Compulsive Disorder.

PARENTING PHILOSOPHIES:

Dan stated that the two most important morals and values to teach the children are to "be nice... It's generic, but to be kind and not judgmental... And live life without regrets by putting work in the beginning and be honest with yourself." [NOTE: Again, it is sometimes difficult to follow Dan's reasoning.] He believes that the best way to achieve these goals is to teach the children and make use of opportunities to teach in everyday activities even with the use of movies and making practical analogies." Dan hopes that the children can attend Millan Elementary, which received top ratings and hopefully will attend college. He wants to support the children in what they do and to teach them to be creative. With regard to nutrition, Dan stated that Audrey will eat anything but that Mary is not as good of an eater and will eat fast foods. In the mornings he will provide them with French toast sticks. He also enjoys making barbeque chicken on the fire pit. He stated that Mary enjoys peas and Audrey will eat almost anything. Mary also enjoys cheese, broccoli, white potatoes, chili, pizza, garlic, onion, and spices. With regard to discipline, he stated that he "rarely" spansks the children but when he does so, it is on the buttocks with an open hand and their pants up. He denied any marks were left on the children. He also disallows them to watch TV or will not make dinner for them on the fire pit, which they enjoy. Dan denied having any special behavioral problems with the girls.

Melissa stated that the two most important morals and values to teach a child is self-worth and trustworthiness. She believes that self-worth will provide them with a good self-image and help them be a "good person." She believes that the best way to teach these morals and values is to praise the children for what they do well with compliments and to see the good in one another. She stated that trustworthiness can be taught by first having them learn to trust her and to be honest. Melissa hopes that the children will attend St. Ignatius Elementary and then the public school system. With regard to nutrition, Melissa described Mary as a very picky eater and that she loves cheese, various breakfast foods, strawberries, and corn, but does not like green beans or milk. Yet, she eats yogurt. She provides the children with limited

ATTACHMENT: H

**F
A
C
T**

Connor and Associates, PLLC
General Psychological Services

Forensic Assessment, Consultation & Treatment

Edward J. Connor, Psy.D.

August 4, 2008

Mr. Dan Brewington
4104 E. County Rd. 300N.
Milan, IN 47031

Re: The Marriage of [REDACTED] and Daniel Brewington
Cause No. 69C01-0701-DR-007

Dear Mr. Brewington,

In response to your letter dated 8/4/08, I would be happy to release the case file to you once I have received either of the following:

1. [REDACTED] consent for release of the file containing her confidential data
2. A Court order from [REDACTED] instructing me to release the case file to you

As noted in the Addendum to the evaluation dated 4/16/08, a copy of which was sent to you, [REDACTED] stated her attorney advised her not to sign a release for you to have the case file. Additionally, I sent a letter to [REDACTED] on 3/26/08 advising him of your request for the entire case file to which [REDACTED] issued a letter dated 3/26/08 stating, "This Court has only ordered that Mr. Brewington have a copy of your evaluation, at this point." It appears you were copied on this letter and that a copy of my letter requesting clarification was forwarded to you at that time. The "evaluation" consists of the final report dated 8/29/07, a copy of which has been provided to you.

Without [REDACTED] consent or a Court order from [REDACTED] I am prohibited from releasing the confidential information contained within the file per state and HIPAA laws and regulations. Please refer to the attached copy of the Provisions To Serve As An Impartial Expert In A Custody Evaluation, which you signed on 6/18/07. Under the section titled Additional Fees, I have underlined the statement indicating that we are not permitted to release an ex-spouse's data without his or her consent.

Sincerely,

RE: Request for Case File
DATE: August 4, 2008
PAGE: 2

Ed Connor Psy.D.

Ed Connor, Psy.D.
Licensed Psychologist
KY License #1007
IN License #20042263A

cc: [REDACTED] (with copies of Mr. Brewington's letter and the
Provisions To Serve As An Impartial Expert In A Custody Evaluation)
[REDACTED] (with copies of Mr. Brewington's letter and the
Provisions To Serve As An Impartial Expert In A Custody Evaluation)

Exhibit J

Connor and Associates Psychological Services
34 Erlanger Road, Erlanger KY 41018

OFFICE POLICY STATEMENT

After reading each section, please initial that you have read and understood the information. Feel free to ask questions if something is not clear and do not hesitate to raise any concerns regarding this information with your therapist.

CONFIDENTIALITY

When seeking psychological services, you have the right to expect that issues discussed during the course of individual psychotherapy will be kept confidential. Confidentiality means that your personal/private information will not be shared with others, since psychologist-client communication is protected by law ("Privileged").

There are times however, when we believe that exchanging or receiving important information from others (e.g., doctors, teachers, etc.) allows us to better serve your psychological needs and provide a higher quality of care. Therefore, with your agreement, you may waive the privilege of confidentiality by providing your written permission on a Release of Information form. Once you sign a "release" form, you may withdraw your consent at any time. Please read the Notice of Privacy Practices guide provided to you.

MB (initial)

EXCEPTIONS TO CONFIDENTIALITY

There are several possible exceptions to confidentiality:

1. Danger to self and/or others:

- a. If there is reason to believe that you are a serious danger to yourself or others, your therapist must take steps to reduce the risk.

2. Insurance Reimbursement:

- a. If insurance reimbursement is arranged, insurance companies reserve a right to have another professional review the case.
- b. Many insurers require periodic therapy summaries called Outpatient Treatment Reports (OTR) before they will authorize additional reimbursement.
- c. Information included on the insurance claim form is no longer considered confidential.

3. Court Orders:

- a. There are cases where courts have ordered the release of otherwise privileged records, such as in certain child custody cases where judges have ruled that the well being of the child outweighs the parent's privilege of confidentiality.
- b. If you are involved in a criminal case, your records can be subpoenaed.

MB (initial)

APPOINTMENTS

Therapy appointments are typically scheduled for 50 minutes. You and your therapist will arrange the frequency of appointments that best suits your needs. Your insurance company may only allow for a specific number and frequency of appointments (e.g., every two weeks). Should you wish to make a change in the frequency of appointments please discuss it with your therapist.

MB (initial)

Turn page over

CANCELLATIONS AND MISSED APPOINTMENTS

Canceled appointments will be accepted up to 24 hours prior to the time of the appointment without a fee incurred. Therefore, if you need to cancel or change your appointment for any reason, please call to do so at the earliest possible time.

Since appointment times are held exclusively for you, late cancellations or missed appointments are "lost time" which might have been utilized by someone else. Therefore, cancellations with less than 24 hours prior notice to the appointment, or missed appointments, will be billed directly to you at \$45.00 an occurrence, since insurance companies will not reimburse for same.

MB (initial)

EMERGENCIES/LIMITS OF SERVICE

If you have a clinical emergency, you may contact your therapist via the office's pager notification service. If your therapist is not available, you are advised to go to an emergency room or contact the local crisis hotline.

MB (initial)

FEES

Payment is due at the time of service. If you have not previously verified your mental health copayment, a payment of \$50.00 will be required at time of service. You are responsible for the timely payment of all services rendered, even if health insurance may ultimately pay for a portion of your balance. Under special circumstances, your therapist may be willing to discuss other fee arrangements. A 10% charge will be applied to any unpaid portion on your account, accruing every thirty days.

The patient will be responsible for costs associated with correspondence to be sent to primary physicians, the courts, legal representatives, etc., as well as the cost of reports generated to assist with therapeutic needs, testing purposes or court ordered evaluations. Cost for this service averages \$10.00 per occurrence. Insurance will not cover this cost.

MB (initial)

INSURANCE COVERAGE

If you have health insurance, part of your expenses may be covered. Please call your insurance carrier by dialing the number on your insurance card to verify services covered. While you are responsible for submitting claim forms to your insurance company, we will be glad to assist you with this process.

MB (initial)

I have read the Office Policy Statement above and understand its contents.

Melissa C. Brewington 6/5/07
Signature Date

I understand the limitations of treatment and I authorize my assigned therapist to provide outpatient psychological services.

Melissa C. Brewington 6/5/07
Signature Date

Daniel P. Brewington
4104 East County Road 300N
Milan, IN 47031
812-654-2958 Home
513-383-3136 Mobile
brew@brewingtonsolutions.net

Exhibit K

March 31, 2008

Re: Marriage of Melissa Brewington and Daniel Brewington
Cause No.: 69C01-0701-DR-007

Dear Edward J. Connor,

I am unable to continue with the evaluation process and it would be appropriate for you to take the necessary measures to pull your evaluation from the court proceedings in its entirety due to your questionable practices and how they may conflict with the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct and your breach of contract regarding your Provisions to Serve as an Impartial Expert in a Custody Evaluation both Melissa Brewington and I signed at the beginning of the evaluation.

The American Psychological Association's Council of Representatives adopted the Ethical Principles of Psychologists and Code of Conduct August 21, 2002. The APA's Ethical Principles of Psychologists and Code of Conduct states that "The Ethical Standards set forth enforceable rules for conduct as psychologists." They also state "Lack of awareness or misunderstanding of an Ethical Standard is not itself a defense to a charge of unethical conduct."

Standard 2.01 (a), dealing with the Boundaries of Competence states "Psychologists provide services, teach, and conduct research with populations and in areas only within the boundaries of their competence, based on their education, training, supervised experience, consultation, study, or professional experience."

- You based a majority of the report on inaccurate information regarding your incorrect understanding and opinions of ADHD and Ritalin.
- You kept reiterating incorrect statements about my Ritalin prescription by stating I took a "high dose", "very high dose", "heavy dose", etc... and also commented that Ritalin "can be habit forming".
 - The possible side effect of Ritalin being "habit forming" is most commonly associated with people who abuse the medication.
 - Ms. Brewington doesn't give any indications that I ever abused my prescriptions.
 - It is inappropriate to print statements regarding Ritalin addiction without consulting with my medical doctor at The Affinity Center, whom I see regularly in addition to my therapist.

- Your curriculum vitae doesn't have any mention of experience or education dealing with diagnosing ADHD, subsequent therapy and medication used in treating ADHD other than a five (5) hour course at Auburn University at Montgomery, March 11, 1995, dealing with Attention Deficit Hyperactivity and Disruptive Behavior Disorders.
 - There have been extraordinary advances in medicine and the science of treating ADD/ADHD since your five (5) hour course in 1995.
- Your evaluation states "Dan clearly has extreme Attention Deficit Disorder."
 - You came to this conclusion without conducting any testing used to detect ADD and its severity.
- My treating ADHD therapist at The Affinity Center is Tom D'Erminio who is also the co-founder and co-director of the institution which has specialized in diagnosing and treating people with ADD/ADHD. Mr. D'Erminio made the following comments about the evaluation you conducted:
 - "Before commenting on specific areas of the report, it important to note that in reading the report there is a sense that Dr. Connor has a bias about your ADD, continuing to focus on this instead of remaining focused on the parenting issue. This scenario would lead you to have to defend your mental health. Since you are being seen at The Affinity Center, it would seem a brief telephone call inquiring about your cognitive functioning would have been helpful in eliminating many of his concerns noted throughout the report."
 - "Page 10(of the custody evaluation): Paragraph 2 Mental Health History: According to Anita Dempsey, your treating therapist from The Affinity Center at the time of this evaluation, she called the evaluator and was told she did not need to submit a summary letter and that the telephone call with the evaluator would suffice."
 - "Page 21(of the custody evaluation): Drug and Alcohol History: The evaluator commented on his concern that you would drink any alcohol given the high dose of Ritalin. As a patient of The Affinity Center you have been instructed about the use of alcohol while taking stimulant medication. It is not necessarily counter-indicated for an individual to drink alcohol while on medication. The key is to understand the effect that the stimulant may have on the alcohol and understand that your ability to tolerate alcohol can be very different on medication and therefore should be done judiciously, but not necessarily abstain."
 - "The 50 mg dose of Ritalin is mentioned throughout this report as being "very high." For clarification, your Ritalin dosage was arrived at using a variety of information. Ritalin dosing is usually done by a calculation of .3mg to .8mg of Ritalin per Kilogram of weight. Using this formula, your dose places you at about .5mg per kg. This is easily within the acceptable dose range for adults

on this type of stimulant medication. As for the frequency of taking the medication, since Ritalin is a short acting stimulant, lasting only 4 hours, and your attention needs to be treated across the day, it is necessary to take four doses per day for effective coverage.”

- “As for the question of Ritalin addiction, since beginning your treatment here at The Affinity Center in 2001, you have never requested a refill of your medication early nor given us any reason to suspect an abuse of your medication. I do not believe you are addicted to Ritalin.”
- In general, I have read this report several times and I find much of it confusing because of extraneous information. Comments about the cost of Ritalin, potential safety hazards around your home without evidence of neglect, repeated comments about your diagnosis, and incorrect information about current treatment standards for ADD all lead the reader to further confusion and distraction from the purpose of the evaluation.
- You tied a good deal of your inaccurate views and opinions of ADD and Ritalin into your analysis of the Psychometric Test Data.

Standard 5, of the APA’s Ethical Principles of Psychologists and Code of Conduct, deals with Advertising and Other Public Statements. Standard 5.01 (a) states “Public statements include but are not limited to paid or unpaid advertising, product endorsements, grant applications, licensing applications, other credentialing applications, brochures, printed matter, directory listings, personal resumes or curricula vitae, or comments for use in media such as print or electronic transmission, statements in legal proceedings, lectures and public oral presentations, and published materials. Psychologists do not knowingly make public statements that are false, deceptive, or fraudulent concerning their research, practice, or other work activities or those of persons or organizations with which they are affiliated.” Standard 5.01 (b) states “Psychologists do not make false, deceptive, or fraudulent statements concerning (1) their training, experience, or competence; (2) their academic degrees; (3) their credentials; (4) their institutional or association affiliations; (5) their services; (6) the scientific or clinical basis for, or results or degree of success of, their services; (7) their fees; or (8) their publications or research findings.

- Your February, 25 2008 letter to representing counselors states “As stated in my letter dated 2/21/08, I will reduce my rates to \$80 an hour (usually \$150).”
 - You falsely reported your normal hourly rate as Melissa Brewington and I both signed the Provisions to Serve as an Impartial Custody Evaluator which stated your hourly rate was \$110 an hour.
 - Did you report the same false generosity to Judge Taul?
- [NOTE: Standard 6.04 (c) states “Psychologists do not misrepresent their fees.”]**

- Your March 11, 2008 letter states “To ensure the integrity and confidentiality of the test information and prevent misuse or misinterpretation of (my) data, we will release the data to a licensed psychologist trained in the administration and interpretation of the psychometric tests used” in response to my letter requesting the release of my psychological test data to The Affinity Center.
 - Standard 9.11. Maintaining Test Security states “The *term test materials* refers to manuals, instruments, protocols, and test questions or stimuli and does not include *test data* as defined in Standard 9.04, Release of Test Data. Psychologists make reasonable efforts to maintain the integrity and security of test materials and other assessment techniques consistent with law and contractual obligations, and in a manner that permits adherence to this Ethics Code.”
 - According to Standard 9.11., the segment of your statement regarding “the integrity and confidentiality of the test information” is inaccurate and/or misleading.
 - There isn’t any mention of “licensed psychologist” being a qualification to receive raw testing data in the APA’s Ethical Principles of Psychologists and Code of Conduct or the Report of the Task Force on Test User Qualifications, which was approved by the APA Council of Representatives, August, 2000. There also is no mention of “licensed psychologist” in your Provisions to Serve as an Impartial Custody Evaluator.
 - The Report of the Task Force on Test User Qualifications does state in section 5.4 *Interpretation of test results of individuals with disabilities* “Test users strive to be familiar with the literature regarding how external factors and characteristics associated with the disability may affect the interpretation of test scores, such as the following: 5.4.1 Effects of the testing environment and the tests being used on the performance of individuals with disabilities.”
 - I was handed a stack of psychological tests and was told to finish what I could without any explanation of the purpose of the individual tests, the time it would take, or if I was able to go to my vehicle and take my Ritalin dose.
 - Could the accuracy of the test results of someone with ADHD be accurate if they weren’t able to take their normal prescription because the time it would take to complete the testing or the ability to temporarily leave the office wasn’t discussed?
- Your March 11, 2008 letter also states “We cannot release a copy of the case file to you without Ms. Brewington’s consent as it contains confidential information about her as well as the children in addition to yourself.”

- Your Provisions to Serve as an Impartial Expert in a Custody Evaluation agreement, which both Melissa Brewington and I signed at the beginning of the evaluation, states that the attorneys may have a copy of the file after the administration, copying and postage fees have been paid for in advance.
- After informing you of my pro-se status, your response in your March 26, 2008 letter was “If I receive verification from the Court of your pro-se status, I will be **happy** to release the chart records to you.”
- Your March 27, 2008 letter states “Our correspondence with Judge Taul indicates that you have a right to the ‘evaluation’ at this time. As such, we do not interpret this as you having the right to the entire file, but simply the ‘evaluation’ report.”
 - Judge Taul’s letter states “Re yours of March 26, 2008, Mr. Brewington has indeed filed an appearance naming himself as his own attorney, at least for the moment. Please see copies of the attached pleadings. This Court has only ordered that Mr. Brewington have a copy of your evaluation, at this point.”
 - Judge Taul hasn’t ordered the release of the evaluation case file because no one has filed a motion asking him to do so.
 - There is no reason to file a motion to release the file because the Provisions to Serve as an Impartial Expert in a Custody Evaluation agreement states you will release it after receiving payment for appropriate fees.
- Your “interpretation” is a disappointing attempt to prevent me from having access to your files. I fail to see how a leading expert of forensic psychology who deals with many different cases in courtrooms around the Greater Cincinnati Area would even claim Judge Taul’s letter needed “interpretation”.
 - If for some reason your “interpretation” would be correct, then you wouldn’t be able to honor the conditions in the Provisions to Serve as an Impartial Expert Custody Evaluator agreement.
- Your March 11, 2008 letter also states “My reference to ‘errors and oversights’ was relative to your documents stating that these exist in the report.” This was in response to my question of why I should be responsible for paying you to fix your mistakes.
 - Your February 21, 2008 letter to Judge Taul states “Mr. Brewington’s documents indicate that there are numerous errors and oversights in our report.”
 - You didn’t tell Judge Taul that the “errors and oversights” were relative to my documents, or that my documents indicate that there *may* be “errors and oversights.”

- Your March 26, 2008 letter to Judge Taul states “In his (Dan Brewington) letter, he states, ‘I filed an appearance as pro-se,’ to represent himself in this matter.”
 - My original quote was “I filed an appearance as a pro-se individual, so the case file can be mailed to my home address or I can pick it up in your office.”
 - You altered my statements and then submitted the altered statements to Judge Taul as fact.
 - This practice is consistent with your conduct in preparing the evaluation and the style in which the evaluation is written.
- One of the more troubling parts of your March 26, 2008 letter is that you continue to elaborate on your “interpretation” of the events described in the evaluation report regarding Sue Brewington not showing up for the home observation session which took place on August 4, 2007.
 - First, there is no documentation in the evaluation that you tried to contact ANY of my references throughout the evaluation process.
 - You did not request Sue Brewington be available at the home visit.
 - You stayed at the house an extra forty (40) minutes while continuing to talk about sensitive material while I had to leave my 3 year old unattended watching TV in an adjoining room while the 1 year old was sleeping.
 - As you were leaving, I stated my mother would be here soon because she was coming after the evaluation was over.
 - “Enmeshed relationship” was used twice in the evaluation to describe my relationship with my mother yet there is no mention of my concern as to the whereabouts of my mother whom I have an “enmeshed relationship” with.
 - You did not ask me where she was.
 - You documented that I have a “very heightened degree of anxiety” yet you fail to document my reaction to, not only worries about my mother’s health and safety, but the fact that she “just did not show up” for something as important as a custody evaluation interview.
 - There is no record of me calling my mother to see where she was.
 - You made no attempts to call Sue Brewington to see if there was a misunderstanding or ask me about my mother’s safety or whereabouts in a later office visit.
 - The home observation session was for the people who live in the household; I live in Milan, Indiana with the children and Sue Brewington lives in Norwood, Ohio.
 - For some reason I was under the impression that the observation session was going to be an observation session.
 - Sue Brewington was at the house prior to your arrival and left because we both were under the impression that she was not to be there.

- Sue Brewington was 15 minutes away in Batesville, In and would have shown up if I would have called her.
 - I would have called her if you would have asked me why she “didn’t show up”
 - My mother helped clean the kitchen before you came out.
 - My mother’s integrity is very well respected in the local community as well as the local education community.
- Your March 26, 2008 letter states “With regard to your concerns about why I have been persistent about not having your mother, Sue Brewington, present during any of my office interviews with you, I beg to differ. Grandparents are not present with parents during child custody evaluation interviews. In addition, I waited an additional 40 minutes for your mother to arrive at your home visit in order to interview her and save her from making a trip to Kentucky. You indicated she was aware of the appointment; however she did not show.”
 - My mother lives 20 minutes away from your office.
 - Were the children present during Art and Karen Buechel’s interview?
 - If you were interviewing my mother at my home, what was I to tell the children if they started to cry because they wanted to see Grandma who was in the house talking to Dr. Connor?
 - Would it have been fair for Sue Brewington to be interviewed in an environment where the children might have been crying because they couldn’t play with Grandma when she was out for a visit?
 - Would you have been able to give Sue Brewington the same kind of attention you gave Melissa Brewington’s parents if you had to stop the interview so I could take Mary to the bathroom or come in and change Audrey’s diaper?

[NOTE: You never did mention that Sue Brewington should have been at the home observation session. The last page of the evaluation states “At no time should any parent reveal ANY of the information contained in this document to any of the children. This, of course, would be an act of severe selfishness by the parents and is not in the children’s best interest. If these examiners or the Court learn that either parent has done so, we recommend that the Court deal harshly with this matter.” If leaking the information regarding the evaluation to the children is such a horrible offense, then it would have been irresponsible for you, as a well seasoned expert, to conduct interviews dealing with such sensitive matter in the presence of the children.]

- You conducted yourself in a less than professional manner when you sent copies of your March 27, 2008 letter, which was addressed to me, to opposing counsel and to Judge Taul. You claimed this letter was in response to my March 26, 2008 fax and you set copies of your letter to

opposing counsel and Judge Taul without including the copies of my letters from which the partial quotes and paraphrases originated.

- The majority of my March 26, 2008 fax dealt my concerns about your previous letters which were full of conflicting and inaccurate statements.
- Your March 27, 2008 letter does little to answer any of the questions and concerns of my March 26, 2008 fax.
- This is nothing more than an attempt to portray you as being cooperative in this matter in the eyes of Judge Taul and opposing counsel.
- You begin your March 27, 2008 letter with your inaccurate and *unnecessary* “interpretation” of Judge Taul’s March 26, 2008 letter which you use as an excuse to continue your efforts to neglect our contract set forth by the Provisions to Serve as an Impartial Expert in a Custody Evaluation by refusing to give me a copy of the case file.
 - This is the third excuse you have used to explain why I shouldn’t be entitled to a copy of the case file.
- You wrote “As stated in the 3/26/08 letter, we will forward your psychological test results to Dr. Pentz.”
 - This wasn’t even mentioned in my March 26, 2008 fax.
 - I covered this subject earlier in this letter regarding how your statements regarding the integrity and confidentiality of the psychological testing data conflict with the APA’s Ethical Principles of Psychologists and Code of Conduct; specifically standards 9.04 and 9.11.
- You wrote “As stated in my 3/11/08 letter, I will interview your mother at a separate time and date for an additional fee of \$80 per hour. I will meet with her independently, and again, please have her call my office to schedule an appointment if she wishes to do so.”
 - You did write this in your 3/11/08 letter, however, in your 3/26/08 letter you wrote “In conclusion, I would like to remind you that the fee for the follow up session and any corresponding addendum has been reduced to \$80 per hour. However, please note that if you wish for me to conduct additional sessions, interviews, etc. for the purpose of adding to the original evaluation and report, my time for doing so will be billed at a rate of \$110 per hour.”
 - When I questioned your inconsistent statements, you sent copies of your neutral response to Judge Taul and opposing counsel as if your inconsistencies never existed.
 - Please note that in the Provisions to Serve as an Impartial Expert in a Custody Evaluation agreement, there is no mention of the participants of the evaluation being

- responsible for costs relating to correcting your mistakes and for any necessary addendums.
- You wrote “You are correct in stating that in my 3/11/08 letter that I have stated that we will ‘address whatever concerns or questions...’” and so on.
 - I have enclosed a copy of my March 26, 2008 letter along with a copy of your March 27, 2008 letter to demonstrate how you not only neglected the concerns in my letter, but how you misuse my quotes to patronize me.
 - You state in your March 27, 2008 letter “Please understand that by this, neither I nor Dr. Sara Jones-Connor will discuss any interpretation of our opinion from a psychological perspective without both attorneys present or in the presence of the Judge.”
 - Your March 26, 2008 letter states “Please understand that during this session, I will not elaborate or define my opinion on any matter as this is reserved for a deposition and/or live testimony with the other party’s attorney present and/or for the Judge’s interpretation of my opinions.”
 - You stated this only after I requested that the sessions be recorded.
 - Your answers seem much more neutral when they are to be sent to Judge Taul and opposing counsel.
 - You wrote “Furthermore, we are still unclear as to whether you want Dr. Sara Jones-Connor to sit in on the meeting.”
 - What Judge Taul and opposing counsel aren’t aware of is that in your March 26, 2008 letter you wrote “Please call our office by 5 p.m. Thursday, 3/27/08 and notify my secretary, Ms. Ellen Busse, if you would like Dr. Jones-Connor to be present for any or all of your session.”
 - I didn’t think I had to RSVP if I didn’t want Dr. Jones-Connor to be present.
 - Why would I need to speak to Dr. Sara Jones-Connor if she wouldn’t be able to elaborate on why she documented that my 17 month old daughter spoke in complete sentences and the significance of why she noted how “(Melissa Brewington and her parents) made sure that the girls held their hands and did not fall down the stairs.”
 - She would not be able to elaborate on why she alluded that I paid more attention to my 17 month old child because I carried her down the stairs and why my techniques of stair “descension” weren’t as well established as Melissa Brewington and her parents.
 - Dr. Jones-Connor noted in the evaluation “Again, it was difficult to tell whether Mary was just a more independent child...”

- Dr. Jones-Connor wouldn't be able to elaborate on why she didn't mention my 3 year old daughter's trusting nature while reaching for Dr. Jones-Connor's hand and walking down the stairs with her.
- Dr. Sara Jones-Connor also wouldn't be able to elaborate why this may be a fairly good indicator that my three year old is a very happy, confident and independent child.

[NOTE: Your March 27, 2008 letter has a frightening resemblance to the evaluation. In the Parental Concerns section of the evaluation, there are many examples of how you stated my concerns and then continued to give a response from Melissa that had nothing to do with my concerns, so many of my concerns went unaddressed. You stated that your March 27, 2008 letter, which was also distributed to Judge Taul and opposing counsel, was in response to my March 26, 2008 fax, yet you failed to address any of my concerns in the letter and you continued to misuse my quotes and statements in your March 27, 2008 letter for what amounted to be nothing more than a public relations campaign.]

I was very enthusiastic when I received a copy of your February 21, 2008 letter to Judge Taul stating you wanted to offer Melissa Brewington and me an additional session to help correct the "numerous errors and oversights" in your report. Due to the fact that I felt I was incorrectly judged as an ineffective communicator and a person who was unable to stay on topic, I requested a copy of the case file in order to produce a complete and organized presentation of my concerns and issues. What soon followed was a barrage of conflicting and inaccurate excuses to why I wasn't entitle to the case file. Then came a series of letters filled with contradictory statements, misquotes, and factually incorrect information. You presented some of this misleading information to Judge Taul and opposing counsel for which I could held accountable for. Some of your misleading writings and correspondence over the past few weeks are consistent with the "numerous errors and oversights" in your report which leads me to question whether the problems can be properly resolved. It also comes into question how a leading forensic expert in the Greater Cincinnati Area could possibly conduct a child custody evaluation with "numerous errors and oversights" knowing the extreme importance of the matter and the impact it will have on two young girls and their families.

I regret not being able to continue with your evaluation, but you have consistently misrepresented me in many aspects of my life. You made countless incorrect statements about my ADHD and my Ritalin dosage. You rambled throughout the evaluation about my inability to stay on track during communication and kept reiterating how difficult it was to follow my thinking or to understand my logic. I find it hard to believe a forensic psychologist who has experience evaluating depression levels in mentally challenged

prison inmates to determine if they are fit to stand trial, has a hard time understanding and communicating with a person with ADHD and an IQ in the 130+ range. I fail to see how you how can state “His inattentiveness and difficulty with logical thought makes it difficult to communicate with Dan” as well as “Dan’s communication efficacy is significantly compromised by his Attention Deficit Disorder and we believe this should be addressed in therapy as well” about a person who has the ability to put together very clear, concise but extensive documents such as this one and the 17 page, 8,406 word document you received in February as well as the numerous documents I have composed that you failed to mention in any detail in the evaluation. These documents are in the case file which you continue to fail to either provide me a copy of or provide a respectable explanation for why you aren’t honoring your contract which states I am entitled to copy of the case file.

I have been completely honest throughout this evaluation and divorce and I wish I could say the same for others. At this point of time, I feel it is in the best interest of my children not to continue with your evaluation because I do not believe you are capable of serving as an impartial expert in my custody evaluation. If you are unwilling to pull your report with “numerous errors and inaccuracies” I’m sure you will provide this letter to Judge Taul in its entirety so you don’t misrepresent my reasons and motivations for my actions. Anything less would be an added blow to my integrity which you have already compromised.

I will be forwarding a copy of this letter as well as other correspondence to opposing counsel so her client may act accordingly.

Regretfully,

Daniel P. Brewington
Respondent, pro-se

CC: Angela Loechel, Attorney for Petitioner
310 West High Street
Lawrenceburg, IN 47025

ATTACHMENT: C

PROVISIONS TO SERVE AS AN IMPARTIAL EXPERT IN A CUSTODY EVALUATION

You, your child(ren) and the other parent are about to undergo a custody evaluation with Dr. Ed Connor and [REDACTED]. As an impartial evaluator appointed by the Court, or agreed to by legal counsel or both parties, we make every reasonable effort to advise the Court on what is in the best interest of your child(ren). In order to conduct a competent and thorough evaluation, we must be free to access any and all information, from any available source that we consider pertinent to reaching our final conclusion. We may interview all members of the immediate family, contact extended family members such as grandparents, aunts, uncles, cousins, etc. We may also interview others who have had direct contact with the child(ren) or observed the child(ren) with either parent such as a friend, neighbor, supervisor, co-workers, housekeeper, baby sitter, law enforcement officials, day care provider, teachers, physician or mental health professional. The information we collect from you, your child(ren) and any collateral source, if deemed pertinent by us to substantiate the final recommendation, may be included in the final report to the Court. Each party, or person interviewed in my office, shall agree to sign a Release of Information and Consent Form. If a telephone interview is conducted the interviewee is informed that what is said may be included in the final recommendations sent to the Judge and a copy to each attorney (and the Guardian ad Litem if applicable). Your signature below indicates that we have your permission to release the custody report to the appropriate parties and contact any person we deem necessary.

FEES:

The fee for conducting the entire custody evaluation, which includes interview sessions, parent-child observations, test administration, scoring and interpretation, document review, collateral interviews, telephone interviews, a home visit with each parent (if within a 30 mile radius), possible school or day care visits, review of records, report preparation, typing and dictation is \$110.00 per hour. The cost for a custody evaluation is \$3200.00. **See note below.

There is a \$250.00 non-refundable payment due at each party's first interview and an additional \$250.00 payment due at each party's second interview or \$1000.00 by the parent who is court-ordered to pay the entire evaluation fee. The report will be finalized as soon as the bill is paid in full. The evaluation takes about 90 to 120 days so please make arrangements to pay your bill within that time frame. We will not finalize the report until each party has paid their bill in full.

****Note:** If sexual abuse or domestic violence allegations against either party is asserted or has been substantiated during the course of the custody evaluation, additional sessions and assessment will be required. The cost for the additional sessions and/or assessment will be incurred by the parties equally or the party ordered to pay for the evaluation in full on an hourly rate.

DISPOSITION OR TESTIMONY FEE:

If your attorney Subpoenas either and/or both examiner(s) for a deposition or for testimony at the final hearing, your attorney will be asked to submit a \$750.00 retainer per doctor no later than two weeks prior to the deposition or court appearance. The fee for a deposition is \$125.00 per hour scheduled deposing time and \$125.00 per preparation hour, not to exceed 3 hours. The fee for testimony is \$125.00 per hour door-to-door and \$125.00 per preparation hour, not to exceed three hours. Following the deposition or final hearing, the remainder of the fee, if any, will be billed to your attorney. Be sure to inform your attorney of this procedure, as he/she will probably, in turn, bill you. Please note that our schedules are usually booked four weeks in advance and we will need a minimum five-week notice for a deposition or testimony.

ADDITIONAL FEES:

If your attorney requests a copy of the file please be advised that The American Psychological Association prohibits us from releasing psychological test data to non-psychologists. However, we are permitted to release the data to another Psychologist after their name and address has been provided to us. Please note that we are not permitted to release your ex-spouse's test data without their consent even to another psychologist. The cost for file copying is 10¢ per page, postage and a \$20.00 administration fee to be paid in advance.

ABOUT THE EVALUATION PROCESS:

It is our opinion that in a Custody dispute there are no winners. Everyone loses something. The law requires that we who are involved act in the "best interest of the child," which may sometimes go against our wishes or desires. Regardless, each adult involved in any Custody case must act in a thoughtful and rational manner and protect the child from undue stress and emotional harm. The best advice we can give you is to be totally honest throughout the course of this evaluation.

1. Please do not ask your child what he/she and the doctor talked about during his/her sessions. If a child feels this type of pressure from a parent during a custody evaluation they often "shutdown" which significantly complicates the evaluation process. Our advice to you as a parent is to simply tell your child that he/she is going to the "Talking Doctor" together with you to see how your family is doing.
2. We will not discuss our thoughts about possible recommendations during the evaluation process, so please do not ask. When the report has been submitted to the proper authorities, you may then ask your attorney for feedback from the report. After the final custody judgment has been rendered, we will be happy to review your psychological test results with you free of charge.

3. We will review any documents, audiotapes or videotapes. However, we will only review documents or tapes if you provide us with a copy of each item. These copies will not be returned to you at the conclusion of the evaluation. These items become part of the file and must remain in your file.
4. At no time is anyone permitted to tape record a session without our knowledge. If permission is granted to tape record, we will inform both attorneys of the procedure. Your signature below indicates that you agree to adhere to this policy.
5. After you have reviewed the final report with your attorney, you are encouraged to submit, in writing, if there are any errors, i.e., demographics, ages, time at one job, historical dates, etc. After receiving your statements in writing, we will then make note of such errors in your file and write an Addendum if necessary.

Your signature below indicates that:

1. You have read the "Provisions To Serve As An Impartial Evaluator in a Custody Evaluation" and that you fully understand the document and have therefore willingly signed this document.
2. You have read the "Release of Information and Consent" form and fully understand the document.
3. You agree to fulfill your financial obligation and pay your portion of the assessment fee as stipulated by the Judge/Commissioner, while freely acknowledging that Dr. Connor and/or Dr. Jones-Connor may not support your position in this case.

Thank You,

Ed Connor, Psy.D., R.C.E.
Licensed Psychologist
KY License #1007
Registered Custody Evaluator

[Redacted Signature]

[Redacted Signature]

Date

Signature of Father

6/18/07
Date

Custcontract(HRLY).doc

Exhibit L

RELEASE OF INFORMATION AND CONSENT

For Dr. Ed Connor, Dr. Sara Jones-Connor, Dr. Jean Deters and/or Ms. Sharon Davis to conduct a custody evaluation on my child(ren) and myself and to interview any person they deem pertinent to making a custody recommendation with visitation guidelines and, if necessary, treatment recommendations.

I, Melissa C. Brewington, hereby authorize Dr. Connor, Dr. Jones-Connor, Dr. Deters or Ms. Davis to obtain information from persons whom I provide contact information on such as family members, neighbors, friends, physicians, school personnel, day care providers, mental health professionals, and any other persons, lay or professional, that they deem necessary in order to obtain relevant information to make a custody recommendation to the Court. I understand that any or all of the information Dr. Connor, Dr. Jones-Connor, Dr. Deters and/or Ms. Davis gather through psychological testing, interviews with myself, my child(ren) or the child(ren)'s other parent or collateral interviews, or any document provided to them, may be included in the final report that will be sent to the Judge or Commissioner and to each attorney. I also understand that Dr. Connor, Dr. Jones-Connor, Dr. Deters and/or Ms. Davis may be asked to testify at the conclusion or final hearing in the case. This waiver includes Dr. Connor's, Dr. Jones-Connor's, Dr. Deters' and/or Ms. Davis' testimony as well. Therefore, I waive my right to confidentiality and will not hold Dr. Connor, Dr. Jones-Connor, Dr. Deters and/or Ms. Davis liable for the information they release in their final report or to others whom they interview.

This Release of Information and Consent will expire on _____ or at the final disposition in judgment of the case, whichever comes first. It will also expire upon receipt to Dr. Connor, Dr. Jones-Connor, Dr. Deters and/or Ms. Davis from the below-signed, written revocation of this release.

I fully understand the purpose and nature of this document and willingly sign this document and voluntarily proceed with this evaluation.

Melissa C. Brewington
Signature

6/5/07
Date

Exhibit F

FILED
KENTON CIRCUIT/DISTRICT COURT

AUG 03 2007

JOHN C. MIDDLETON
BY Angie K D.C.

COMMONWEALTH OF KENTUCKY
KENTON CIRCUIT COURT
THIRD DIVISION
CASE NO. 07-CR-310
HON. GREGORY BARTLETT, JUDGE

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

JENI LEE DINKEL

DEFENDANT

SENTENCING MEMORANDUM OF DEFENDANT, JENI LEE DINKEL

Comes now the Defendant, Jeni Lee Dinkel, by counsel and submits the following Sentencing Memorandum to the Court. This case is currently set for Sentencing Hearing on August 7, 2007 at 2:30 p.m.

Nature of the Offense

Jeni Lee Dinkel is charged with a single count of Rape in the Third Degree, KRS 510.010 a Class D felony. It carries a potential penalty of 1 to 5 years in the penitentiary and a fine of not less than \$1,000.00 and no more than \$10,000.00.

Commonwealth's Recommendation

Pursuant to the offer on a plea of guilty the Commonwealth has recommended a sentence of five (5) years probated for a period of five (5) years. The Commonwealth did not recommend incarceration. Pursuant to bargaining, and with the approval of the

victim in this case, a sentence of "straight" probation under the Commonwealth's recommendation would provide punishment in the following ways:

1. Jeni Lee Dinkel would be under probation supervision for a period of five (5) years.
2. Jeni Lee Dinkel would have to register as a sexual offender for a period of twenty (20) years.
3. Pursuant to sexual offender registration Jeni Lee Dinkel, under current law, would have residential restrictions on where she can live and on any identities that she could have on the internet during the period of her registration.
4. As a convicted felon Jeni Lee Dinkel would lose her right to vote, to serve on a jury, to run for public office and to possess firearms.
5. As a condition of probation Jeni Lee Dinkel would be required to complete a sexual offender treatment program.
6. Under sex offender treatment probation Jeni Lee Dinkel would have the following special conditions of supervision for five (5) years:
 - a. Polygraph testing at his/her own expense;
 - b. No contact with minors without permission of a probation and parole officer and treatment provider;
 - c. She cannot reside near a school, daycare center, or publicly owned parks;
 - d. She cannot possess sexually arousing materials including magazines, videotapes, or material downloaded from the internet;

e. She will have restrictions on the use of photographic equipment including still and video cameras;

f. She will have restrictions on the use of computer equipment including internet access;

g. She will be prohibited from establishing romantic relationships without the permission of her probation and parole officer and treatment provider;

h. She cannot have employment that may be used to meet or acquire potential new victims. Her probation and parole officer may contact her employer at any time if they have reason to believe that her employment may endanger potential victims;

i. She will have no contact with her victim or her victim's family except as approved by her probation and parole officer;

j. She will not be allowed to join or be associated with any group which promotes activities involving juvenile males;

7. As a part of the standard conditions of probationary supervision Jeni Lee Dinkel, along with other rules and conditions, will be required to:

a. Pay a supervision fee;

b. Pay for any and all expenses related to drug and alcohol testing as directed by her officer;

c. Be subject to search and seizure if her probation and parole officer has any reason to believe that she has illegal drugs, alcohol, volatile substances or other contraband on her person;

d. Be prohibited from using or possessing any alcoholic beverages, narcotics or controlled substances unless they are prescribed to her;

- e. Will be prohibited from entering any place where alcoholic beverages are sold as a primary commodity;
- f. Will be required to comply with any treatment programs regarding alcohol and drugs as recommended by the probation officer and to submit to alcohol and drug testing as required;
- g. Will be obligated to permit a probation and parole officer to visit her residence and place of employment at any time;
- h. Will be required to report to a probation officer as required;
- i. Will be prohibited from changing residences without approval of her probation and parole officer;
- j. Will have to obtain written permission from her probation officer before she can leave her designated area of supervision; and
- k. Will be prohibited from violating any law or ordinance of the state or other state of the United States.

8. Under the Commonwealth's offer and recommendation Jeni Lee Dinkel will be obligated to follow the following additional conditions:

- a. She will pay restitution for the cost of counseling and treatment sought by the victim.
- b. She will undergo testing for STDs.
- c. She will have no contact with Covington Catholic High School except for the purpose of picking up and dropping off her son for school.

d. She cannot attend any school functions (regardless of the location) except for her son's graduation if permitted by Department of Probation and Parole.

e. She will be prohibited from disseminating information of the general public regarding the instance that gave rise to this charge in the form of publication of books/articles, television interviews, radio interviews, television programs, movie(s), or website(s).

The conditions of probation as outlined above are punitive. However, since the Court has indicated that "straight" probation may not be appropriate this Sentencing Memorandum will address the question of probation with an alternative sentencing plan under KRS 533.010(3).

Acceptance of Responsibility

From the commencement of this case Jeni Lee Dinkel has cooperated with the Commonwealth and accepted responsibility. Initial contact with the Commonwealth and talks directed to the entry of a plea took place prior to the Preliminary Hearing in this case and Jeni Lee Dinkel waived the Preliminary Hearing.

Upon Indictment Jeni Lee Dinkel pled guilty. Later, when the Court indicated that it would not accept the recommendation of the Commonwealth and provided her with an opportunity to withdraw her plea, she persisted in her plea of guilty.

Jeni Lee Dinkel's statement of apology and acceptance of apology is marked as Exhibit "A" and attached hereto.

This Court has previously received the report of Dr. Ed Connor who initially evaluated Jeni Lee Dinkel. An updated report dated July 25, 2007 is attached hereto and marked Exhibit "B". In that update Dr. Connor, a licensed sexual offender evaluator and

treatment provider, indicates that he has been providing treatment to Jeni Lee Dinkel during the pendency of this action and states "Ms. Dinkel takes full responsibility for her behavior, and, furthermore, is understanding the fact that her choice to not set appropriate boundaries with the victim caused significant harm to his emotional well-being and development".

In his initial evaluation of Jeni Lee Dinkel Dr. Connor mentioned her "remorse" repeatedly and stated "At no time did Ms. Dinkel attempt to excuse herself or blame the victim for this behavior" (page 2). He also stated that "she further realizes the wrongfulness of her acts and is quite remorseful in this regard. She accepts full responsibility for her offense and does not blame the victim" (page 3).

The Court has received the Confidential Comprehensive Sex Offender Presentence Evaluation of Christopher Block of the Department of Correction SORA Unit in which he also found that "she expressed remorse for her actions and a deep concern for the victim's well-being. She did not hold the victim accountable in any way for her behavior, nor did she blame alcohol for her poor judgment."

Likelihood of Re-offending

A. Opinion of Dr. Edward J. Connor, PsyD

Psychometric testing on Ms. Dinkel indicates that there are no indications of psychopathology or asocial behaviors that would warrant concern or further investigation. In his initial evaluation Dr. Connor was of the clinical opinion that Jeni Lee Dinkel is at "very low risk" to re-offend in any manner. He did not find her to be a danger to the community. In Dr. Connor's updated report of July 25, 2007 Dr. Connor

indicates that her progress in individual psychotherapy has even further reduced her risk to recidivate.

B. Evaluation of Christopher J. Block

Christopher J. Block, M.A. licensed psychological associate, indicates in his evaluation that on the Risk Assessment Scale for females Ms. Dinkel's score places her within the "low level of risk for recidivism". He also indicates that of the ninety-seven (97) female sexual offenders incarcerated from 1995 to 2000 none of them have been arrested for a new sexual offense.

His testing under the Psychopathy Checklist – Revised Second Edition, revealed a score corresponding to a "low" level of psychopathy which does not indicate high likelihood for criminal re-offense. He concludes that she is not a high risk of sexual recidivism.

Criminal History

Jeni Lee Dinkel is fifty-one (51) years of age and this is her only criminal conviction in her 33 years of productive adult life. She has no juvenile adjudications.

Need for Correctional Treatment

In the Sexual Offender Treatment Evaluation Report of Ed Connor, Dr. Ed Connor, he indicates that she is an "excellent candidate for community based treatment". Dr. Connor indicates that that treatment had already begun.

In Dr. Connor's follow-up letter he indicates that she has been progressing in her treatment therapy and is "now ready to enter group therapy for female offenders". He would refer her for that treatment to Dr. Jean Deters a certified sex offender treatment

program provider. Dr. Deters runs the female offender community based treatment program in Northern Kentucky.

Christopher Block, who did the evaluation on behalf of the Department of Corrections has recommended that Ms. Dinkel complete an approved sexual offender treatment program without recommendation to a specific program. The Northern Kentucky Treatment Program operated by Jean Deters meets the criteria set forth by Christopher Block.

Since Jeni Lee Dinkel has successfully started her treatment program voluntarily there is no reason to believe that she will not follow it through to completion.

Substance Abuse Evaluation and Treatment

Because alcohol was involved in the current offense Dr. Connor recommends complete abstention from all alcohol, marijuana and/or any other illicit substances with random screenings for compliance.

Christopher Block, M.A. in his evaluation recommends that Ms. Dinkel undergo a comprehensive substance abuse evaluation and follow recommendations for treatment including random urinalysis and breathalyzer testing. The PSI recommends substance abuse treatment.

Jeni Lee Dinkel has no opposition to substance abuse evaluation and treatment as recommended and understands that this is an ordinary condition of probation whenever an offense is alcohol related. Such evaluation and treatment is readily available in the community, but is of limited availability in the Kenton County Detention Center or any other facility in the state correctional system. Jeni Lee Dinkel has health insurance available to her to assist in paying for such evaluation and/or recommended treatment.

Her coverage under such insurance terminates upon incarceration other than home incarceration.

Parenting Classes

The Presentence Investigation recommends parenting classes. Parenting classes are not mentioned by either of the clinical evaluators of Ms. Dinkel. If the Court feels that parenting classes should be imposed as a condition of probation Ms. Dinkel will comply with the Court's decision. Such parenting classes are available in the Northern Kentucky community so long as she is not incarcerated in jail.

Home Incarceration / Jail Incarceration

This Court has previously indicated that it is considering some period of incarceration as an alternative sentence under 533.010(6). The evaluation and risk assessment of Ed Connor does not recommend incarceration. The evaluation of Christopher Block recommends only that Jeni Lee Dinkel "live in an environment where the opportunity to molest adolescent males is minimized until she successfully completes a sex offender treatment program" and does not recommend incarceration.

The PSI indicates that it recommends "some incarceration" and that recommendation is made in all sex offense convictions. It does not delineate the form of incarceration recommended.

This Court has previously been submitted under seal a report on the medical condition of Alex Dinkel, Ms. Dinkel's fifteen year old son. Therefore, the Court is already aware of Alex's guarded condition due to his on-going battle with serious cancer. That on-going battle can only be financed if his father, Tom Dinkel, is able to maintain his regular employment and, with it, the health insurance which is currently providing for

Alex's care. Together with this Presentence Memorandum counsel will file, under seal, an updated medical report on Alex Dinkel indicating that his chemotherapy will now be on an every two (2) week schedule. Alex also requires daily care in terms of medication and for support in dealing with the physical and emotional ravages of both chemotherapy and radiation therapy. The medical report previously submitted emphasizes the crucial need of Alex for emotional support from his mother while he battles his disease and the affects of his treatment.

Together with this Motion counsel is also filing under seal a report dated July 27, 2007 of Sandra Jones-Connor, PhD who has been seeing Alex Dinkel in psychotherapy. In it she indicates how much Alex has relied on his mother over the past several months of difficult and painful surgeries, treatments and medical procedures and her concern that a jail sentence for Ms. Dinkel would adversely impact his physical recovery and response to treatment.

However, if the Court wishes to impose incarceration as a condition of probation the Defendant respectfully indicates that home incarceration is the appropriate form that it should take.

This attorney had the benefit of participating in the drafting and the enactment of Kentucky's Home Incarceration Statute, sponsored by Senator Clyde Middleton, in 1984. It was the belief at that time and continues to be the belief of the legislature that home incarceration is punishment which is comparable to jail incarceration. The theory under which Kentucky was the first state in the United States to statutorily enact a home incarceration scheme was one that recognized that the fundamental nature of incarceration is immobilization in a location with specifically controlled exceptions (like

work release). By using a home as the place of incarceration as opposed to a jail cell the defendant bears the cost of "bricks and mortar" thereby reducing a substantial financial burden to the state or county. The advantages of home incarceration include:

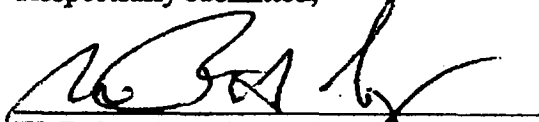
- a. The offender is isolated from other offenders thereby reducing the chances of assault or improper influence and/or the exposure to and transmission of disease.
- b. If the offender is covered by health insurance or other government benefit programs those benefits remain in place rather than shifting the cost to the citizens of Kentucky.
- c. For parents and/or homemakers there is a continuity of care for children in the home so that children are provided for and there is no secondary punishment of innocent family members.
- d. Offenders have available to them a wider variety of community based treatment programs.
- e. Electronic monitoring can insure compliance with the terms and hours of incarceration.
- f. Unlike jail incarceration, home incarceration prevents any interruption in the on-going employment, including employment as a homemaker, family relationships, church relationships, and treatment thereby reducing the chances of recidivism.
- g. Home incarceration does not require the administrative and correctional resources of jail incarceration with work release or furloughs.

The legislature has reflected its belief that home incarceration is comparable to jail incarceration in statutes such as KRS 533.030(6) which treats confinement in jail and home incarceration equally as possible conditions of probation and which provides that

both forms of incarceration are given equal credit against the maximum term of imprisonment in the event of revocation and a subsequent sentence to imprisonment.

A sentence of home incarceration rather than jail is appropriate for Jeni Lee Dinkel. Although she may not face quite the amount of punishment of "boredom" or the punishment of "humiliation" of wearing jail clothing, she will have the responsibility of working hard to serve society in her care for an extremely sick child. In creating this alternative sentencing scheme of equally weighted choices, the Kentucky Legislature has clearly indicated that when it comes to creative and appropriate sentencing the approach is not "one size fits all". For all of these reasons the Defendant requests that if a sentence of incarceration is imposed as a part of a split sentence, that home incarceration with electronic monitoring is sufficiently punitive toward Jeni Lee Dinkel and rational under all of the circumstances in this case.

Respectfully submitted,

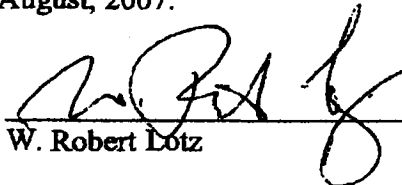


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CERTIFICATE OF SERVICE

I hereby certify a true and correct copy of the foregoing Sentencing Memorandum was served upon Rob Sanders, Kenton County Commonwealth Attorney, 303 Court St., Room 605, Covington, KY 41011; Joshua B. Crabtree, Guardian Ad Litem, Children's Law Center, 104 East 7th St., Covington, KY 41011; Hon. Gregory Bartlett, Judge, Kenton Circuit Court, 230 Madison Ave., Covington, KY 41011, by hand delivery or U.S. Mail, postage prepaid this 31 day of August, 2007.



W. Robert Lotz

August 1, 2007

Dear Judge Bartlett,

I really can't express how badly I feel about hurting the victim. It was never my intention to hurt him or put him in the uncomfortable situation that I did. My behavior is irreparable, he trusted me and I should have handled the situation as a responsible adult, and I did not.

I never should have crossed the boundaries that are set between adults and teenagers. I let him and my son down. It saddened me to know that this has damaged their friendship they had, and that it will never be the same again.

I hurt him, his family, and my own family and I am deeply sorry. You may think these are just empty words, but I mean every word sincerely from my heart.

I pray every night for Herb's forgiveness, but also for
And I hope someday he will find it in his heart
to forgive me for the pain I have caused him.

This is my shame to bear, not his and I willingly
share it alone and take full responsibility for it.

Sincerely,
Gene & Dorel

Connor and Associates, PLLC
General Psychological Services**Forensic Assessment, Consultation & Treatment**

Edward J. Connor, Psy.D.
Sara Jones-Connor, Ph.D.
Jean A. Deters, Psy.D.
Ellen Yass-Reed, M.A.
Steve Hoersting, M.Ed.
Sharon Davis, L.P.C.C.

July 25, 2007

Robert Lotz
120 West 5th St.
Covington, KY 41011

Re: Jeni Dinkel

Dear Mr. Lotz,

Pursuant to my work your client Ms. Jeni Dinkel, I am forwarding this letter. Ms. Dinkel continues to attend individual psychotherapy for the offense she committed. Ms. Dinkel is understanding the harm that she has caused the victim at an empathic level. Ms. Dinkel takes full responsibility for her behavior and, furthermore, is understanding the fact that her choice to not set appropriate boundaries with the victim caused significant harm to his emotional well being and development.

In my clinical opinion, Ms. Dinkel is now ready to enter group therapy for female offenders. I have discussed this matter with Ms. LeeAnn Vonderhaar of the probation and parole department if in fact Ms. Dinkel is found guilty and sentenced for the offense. As such, I will refer Ms. Dinkel to Dr. Jean Deters who is a certified Sex Offender Treatment Provider.

In conclusion, Ms. Dinkel's progress in therapy further reduces her risk to recidivate in my clinical opinion.

If you need any further information, please do not hesitate to contact me at any time.

Sincerely,



Ed Connor, Psy.D.
Licensed Psychologist
KY License #1007

EC/egb

AUG 1 2007

JOHN C. MIDDLETON

D.C.

July 18, 07

Dear Judge Bartlett,

I want to thank you on behalf of all mothers who have children especially sons. I too am a 52 year old woman who has sons, and is married to a former Bengal.

This crime that Mr. Rinkel committed repeatedly is heinous & should not be taken with a slap on the wrist. What she has done to this boy can never be reversed. He is scared for life.

I don't understand that if a man were to do this he would be sent to jail. A woman does the same crime & all she gets is probation.

We have teenagers all the time at our house. You know as an adult when they are "flirting" with you. My husband & I both recognize that behavior. But as an adult you never ever cross that line. It's just wrong.

My sympathy goes to Tom & Alex. Quite frankly I was shocked when they remarried after being divorced so many many years.

Once again thank you so much for not treating this like another "older woman - younger boy" case.

This conduct & rape is not above
the court no matter who commits
it. It's time someone in the system
makes that clear. Perhaps if more
judges were like you, Judge Bartlett,
adults would stop & think about
the lives, innocent lives, that they
could ruin forever.

Thank you,

a very concerned
Mother