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## UFO UpDates Mailing List

### Re: FYI - Boylan Wriggling

From: **UFO UpDates - Toronto** <updates@globalserve.net>  
Date: Sat, 29 Nov 1997 18:23:33 -0500  
Fwd Date: Sat, 29 Nov 1997 18:23:33 -0500  
Subject: Re: FYI - Boylan Wriggling

Date: Sat, 29 Nov 1997 13:07:23 -0800  
From: Ed Stewart <egs@netcom.com>  
To: UFO UpDates - Toronto <updates@globalserve.net>  
Subject: Re: UFO UpDate: FYI - Boylan Wriggling

Hello Errol and List members,

UFO UpDates - Toronto wrote:

> Geoffrey Stewart Nimmo sent the following, yesterday. It is  
> posted for your information only and for follow-up posts from  
> subscribers who were involved with the Boylan posts in the early  
> days of this List and over on Fido's UFO & Odyssey/BAMA.  
> (Ed. Stewart, John Powell, Don Allen & John Velez)

> For further info see:

> Boylan loses license to practice psychotherapy. Reports  
> in Sacramento Press, Aug. 7, 1995 at:

> <http://www.ufomind.com/ufo/people/b/boylan/license.txt>

> California Board of Psychology report detailing Boylan's  
> license revocation at:

> <http://www.ufomind.com/ufo/people/b/boylan/revoke.txt>

> You can also check out the reasons for the Boylan Ban  
> starting at:

> <http://www.ufomind.com/ufo/people/b/boylan/>

> Errol Bruce-Knapp,  
> Moderator.

Attached is an integral part of the public record that people interested in this matter should be aware of. It is the ruling decision by Superior Court Judge Cecil on Boylan's appeal. Boylan for whatever reasons of his own has zero mention of going before the Superior Court of the State of California on his "open letter" for money, support and sympathy. I would appreciate the widest dispersal of this attached file. It is a public record very much germane to why Boylan is no longer allowed his licenses to practice within the state. Included are also the news coverage of this sordid case.

boylanap.txt Superior Court of the State of California ruling  
boylan3a.txt TV-CH 3 Reports on Superior Court ruling  
boylansb.txt Sacramento BEE newspaper update on Boylan case

Ed Stewart

ps. when I first loaded the above into Fidonet, Boylan accused me of duplicity in posting false misleading documents and charged that the above decision was not a final one or even SIGNED by the Judge. Consequently, I posted the following GIF files of the three pages that constituted the actual document. Clearly, one can see that the original document was signed by Judge Thomas Cecil and that my text rendition was accurate as per the originals. Those files for your inspection are:

boylan01.gif, boylan02.gif, and boylan03.gif

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Ed Stewart egs@netcom.com | So Man, who here seems principal alone,
There is Something        | Perhaps acts second to some sphere unknown.
Going On!                 | Touches some wheel, or verges to some goal,
Salvador Freixedo ( O O ) | 'Tis but a part we see, and not a whole.
-----ooOO-( )-OOoo----- Alexander Pope, Essay on Man -----
THE SUPERIOR AND MUNICIPAL COURT OF CALIFORNIA
IN AND FOR THE COUNTY OF SACRAMENTO

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RICHARD J. BOYLAN, PH.D.  
Petitioner

MEDICAL BOARD OF CA,  
BBSE, DCA AND THE STATE  
OF CALIFORNIA  
Respondents

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                ENDORSED
                FEB -8 1996
By R. ROUSE, Deputy
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DECISION ON SUBMITTED MATTER  
Case No. 95CS02187

This Petition for Writ of Mandate came on regularly for hearing on January 19, 1996, in Department 7 of the Sacramento Superior Court, the Honorable Thomas M. Cecil presiding. Petitioner was present and represented by counsel, Mr. Richard S. Linkert. Respondents were represented by counsel, Mr. Arthur D. Taggart. The matter was argued and deemed submitted.

For reasons set forth below, as well as those stated during the hearing of January 19, 1996, the Petition for Writ of Mandate is denied.

This Petition was filed under the authority of section 1094.5 of the Code of Civil Procedure. It is undisputed that vested rights of petitioner are at stake. Accordingly, this court has reviewed the administrative record and exercised its independent judgment. With the exception of one of respondents' findings, the court has determined that the findings are supported by the weight of the evidence. Specifically, the court finds the evidence relative to Determination of issue II insufficient.

With regard to each of the other Determinations found true by the ALJ (Nos. 3, 4, 5, 7, 9, and 10), the court finds the evidence in support overwhelming. Further, separate from the issue of whether evidence in support of the acts comprising the Determination of issues was presented, the court specifically notes that in each instance, expert testimony was presented in support of these determinations. Petitioner's contrary assertion is not supported by the record.

Petitioner accurately asserts that basic concepts of due process requires certainty and clarity of the accusations being filed as well as the need for fundamental fairness in the hearing process. Contrary to petitioner's assertions, however, the court finds no prejudice occasioned by the amendments to the accusation. Petitioner was afforded ample opportunity to address the amendments with the presentation of his evidence and in cross examining respondents' witnesses.

In his moving papers as well as during oral arguments on January 19, petitioner referred to the "thrust" or "focus" of respondents case, asserting that the resulting "moving target" was constitutionally defective and required reversal of the administrative decision. As already noted, the record demonstrates that petitioner was afforded substantial leeway in terms of responding to changes made to the accusation. Moreover, the mere fact that petitioner misconstrued the "focus" or "thrust" of respondent's case, does not diminish or negate

the end product. It is commonplace for arguments originally envisioned to be "winners" to be tossed aside during the course of trial. Concepts or tactics first deemed unwise often blossom before the eyes of the litigants.

In no respect does this court find any violation of the due process rights of petitioner nor has petitioner been able to demonstrate any prejudice stemming from the amendments to the accusation.

Petitioner takes issue with the "delay" in pursuing the complaint originally lodged with BOP by KG. It should be noted that KG advised the board of her inability to go forward - alone. It appears that the BOP acceded to her wish until such time as additional complaints were filed against the petitioner. Moreover, petitioner is unable to demonstrate any prejudice resulting from the delay.

Lastly, petitioner has challenged the level of discipline ordered by the boards. It is well-established that a penalty determination will not be disturbed by a reviewing court absent a finding of a manifest abuse of discretion. The fact that reasonable minds could differ as to the propriety and necessity of a given sanction is insufficient justification to overturn a penalty decision.

The court concurs with the analysis of respondents, both legally and factually as set out in respondents' Points & Authorities in Opposition. Moreover, notwithstanding petitioner's efforts to demonstrate that he poses no risk to the public, his own "Responsive Brief" forcefully reinforces the position of respondents. Petitioner consistently references the notion that his patients "misconstrued" his intent, or that it was "misunderstood", or that the risk was "minimal."

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Obviously, petitioner holds licenses that confer upon him substantial obligations. His chosen professions require that he exercise good judgment, respect his patients' feelings and their needs. Contrary to the position of petitioner, this court finds almost no evidence of insight into the inappropriateness of his conduct. To the extent that it exists, it appears to relate solely to the potential ramifications on his licenses rather than an acknowledgement of misconduct or grossly inappropriate behavior.

Petitioner does not comprehend what all of the experts clearly understood. Petitioner continues to assert that this case is about his beliefs in alien encounters. It is not. Petitioner fails to grasp the significance of the expert testimony and the findings as to matters completely unrelated to aliens. Petitioner's conduct was outrageous, especially in the light of the underlying reasons for treating these particular patients. His conduct fell well below the standard of care expected of his professions and constituted gross negligence. Revocations are appropriate.

Respondent is directed to prepare an appropriate order in accord with this decision, obtain approval as to form from petitioner's counsel and submit it to this Court.

Dated: 2-8-96 [handwritten]

By: [signature]

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Thomas M. Cecil  
Judge of the Superior Court

[Superior Court  
County of Sacramento, California] seal

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CHANNEL 3 REPORTS - 6PM NEWS February 16, 1996 - KCRA-TV Sacramento CA

Sarah Gardner Reporting:

And a Superior Court Judge has ruled Dr. Richard Boylan will never get back his license to practice psychology. Boylan lost his license last August on seven counts of gross misconduct. They include nude hot tubbing and exchanging nude massages with people he was suppose to be treating. The 56-year-old Boylan claimed he was being persecuted for his beliefs in UFOs, but the judge said Boylan's conduct was outrageous and Boylan's UFO story was simply irrelevant.

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THE SACRAMENTO BEE  
Saturday, March 23, 1996  
Section B, METRO, Page B1  
Update: The Follow-Up Report  
"Psychologist Loses Bid To Regain His License"

\*THEN: In 1993, Sacramento clinical psychologist Richard J. Boylan was sued by three patients. They alleged that Boylan, president of the Sacramento Valley Psychological Association, had used his belief in extraterrestrial life and UFOs to diagnose and treat their emotional problems.

The women claimed Boylan's counseling left them dependent upon him as a "father-like figure," and that he asked them to sit with him nude in hot tubs and join him in nude exercises. Boylan denied the sexual allegations and defended his therapy as meeting acceptable standards.

The patients also complained to the state Board of Psychology, which last year revoked Boylan's license. The Board of Behavioral Science Examiners also revoked Boylan's licenses as a child counselor and clinical social worker.

\*NOW: Sacramento attorney Joseph C. George, who represented the patients, said they settled their suits out of court and the terms are confidential.

In January, Boylan went to court arguing that his licenses were wrongly taken away. On Feb. 8, the court turned him down.

Boylan said he is exploring other legal remedies, noting that the legal problems have devastated him financially. He has appealed for financial help on the Internet, saying his counseling and writings about UFO cover-ups led to "character assassination."  
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