



## FINDINGS OF FACT

1. Mr. King is not licensed by the Board to practice psychology in Oregon. (Board Attachment A at 1.)

2. On July 14, 2008, the Oregon Board of Licensed Professional Counselors and Therapists issued a Notice of Proposed Discipline to Mr. King, seeking to revoke his professional counseling license. On or about December 8, 2008, Mr. King signed a Final Stipulated Order, agreeing to permanently surrender his license as a licensed professional counselor and agreeing not to practice as a licensed professional counselor or licensed marriage and family therapist in Oregon. (Board Attachment B at 1-2.)

3. On May 23, 2011, the Oregon Health Licensing Agency, Sex Offender Treatment Board denied Mr. King's application for a clinical sex offender therapist license. On March 22, 2012, Senior ALJ Ken L. Betterton issued a Ruling Granting Summary Determination and Proposed Order, granting the Sex Offender Treatment Board's Motion for Summary Determination and proposing denial of Mr. King's application for a clinical sex offender therapist license. (Board Attachment C at 1-6.)<sup>1</sup>

4. On July 19, 2011, the Board [of Psychologist Examiners] and the Board of Licensed Professional Counselors and Therapists filed a Complaint for Injunctive Relief in Marion County Circuit Court. The Complaint sought to enjoin Mr. King from practicing psychology or holding himself out as a licensed psychologist; from practicing professional counseling and/or marriage and family therapy or holding himself out as a licensed professional counselor and/or a licensed marriage and family therapist; and from using the title "doctor" in connection with practicing a health care profession. (Board Attachment D at 1-4.)

5. From July 31, 2012 through August 2, 2012, a trial occurred in Marion County Circuit Court, with Circuit Court Judge Albin W. Norblad presiding. (Board Attachments E and F.) Mr. King appeared *pro se* at the trial because he could not afford attorney representation. (Respondent's Response to Agency Motion for Summary Determination at 5.) On August 24, 2012, Judge Norblad issued a letter opinion that stated, in part:

[T]he state claims [that] what [Mr. King] does comes within the purview of [the] licensing requirement of ORS 675.010 to 675.994. Defendant claims that what he does does not violate the statutes under ORS 675, but that he is just an educator doing educational classes for sex offenders.

Further[,] the defendant claims that his nonprofit has two certified sex offender therapist employees who do all the counseling. The question is whether the testing, interpretation, [and] individual and group counseling sessions are solely education or also contain components of counseling and therapy. While there was some non[-]expert testimony about what the defendant's relationship is with clients[,] trying to determine if the

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<sup>1</sup> The ALJ noted that Board Attachment C contained only every other page of Senior ALJ Betterton's Ruling and Order.

defendant is counseling is problematical without having testimony of an expert who watched the actual session and then testified in court. The defendant walks a tight line and plays semantic games. The court feels he does some counseling even though he says he does not. Defendant said he does no counseling[,] which he defines as one giving advice. It's hard to understand how one can teach without giving advice. In his testimony the defendant did admit to conducting therapy[,] which is defined as the treatment of an illness or disability. It is clear that the statutes contained in ORS 675 define and control therapy. With his admission the defendant is violating the statute dealing with therapy and is offering those services to persons for the purpose of diagnosing and treating behavioral disorders.

Based upon the testimony of the two experts and in reading the exhibits, including the evaluation and billing, it is clear the defendant is doing psychologicals. Most of these psychologicals are called assessments. The defendant claimed he does no interpretation or any DSM assessments. Again, he claims these are educational. While there is psychological testing, defendant states he just reports the results. He further claims that by giving deferred diagnos[es], he is not making any DSM "judgment." All one has to do is read the assessments, in particular ex. 19[,] which has nothing to do with sex[,] to realize he is making a diagnosis and executing a psychological. In fact[,] the defendant is trying to make a distinction where there is no difference. He is interpreting and making a diagnosis of behavior[al], emotional and mental disorders. This can be seen in his billing. If he is not doing psychological[s,] why is he billing for psychological testing. The defendant is attempting to skirt the law but in this court's opinion he does not make it and the full injunction will be allowed.

(Board Attachment E at 1-2.)

6. On September 24, 2012, the Marion County Circuit Court entered a General Judgment Granting Permanent Injunction against Defendant Richard King. (Board Attachment F at 1-7.) The Judgment stated, in part:

[T]he Court, having considered the parties' pleadings, the testimony presented at trial and the exhibits admitted into evidence, and being otherwise fully advised,

FINDS THAT:

1. Defendant does not possess a license issued by the Oregon Board of Psychologist Examiners that would allow him to engage in the "practice of psychology" as defined in ORS 675.010(4).

2. Defendant has acted in violation of ORS 675.020(1)(a) and (b) by unlawfully practicing psychology and representing himself to be a psychologist in the State of Oregon without a license. Defendant has unlawfully engaged in the practice of psychology by rendering consultation, evaluation and therapy services to individuals and groups for the purpose of diagnosing and treating behavioral, emotional and mental disorders. He has done so by:

- a) Administering psychological tests and instruments and interpreting the results[.]
- b) Preparing or causing others to prepare psychosexual and psychological evaluations, assessments and reports. \* \* \*. In his evaluations, assessments and reports, the defendant engaged in the practice of psychology by interpreting psychological tests and instruments, rendering diagnoses of behavioral, emotional and mental disorders, and making recommendations for treating these disorders.
- c) Using the Fourth Edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM IV) to diagnose behavioral, emotional and mental disorders. This constituted the practice of psychology even when the defendant rendered provisional or deferred diagnoses.
- d) Defendant has billed, or caused other to bill for psychological testing, psychological evaluations and psychosexual evaluations conducted, administered and interpreted by defendant.

\* \* \* \* \*

5. Defendant does not possess any other license or certificate issued by the State of Oregon or any of its health professional regulatory boards that would allow him to conduct the activities described in paragraph[] 2[.]

6. In some of his billing statements \* \* \*, defendant has used the title "doctor" to identify himself when billing for psychological testing and psychosexual evaluations. In doing so, he has acted in violation of ORS 676.110(1)[,] which prohibits using the title "doctor" in connection with the practice of a health care profession, unless one is licensed by the appropriate health professional regulatory board.

\* \* \* \* \*

8. Pursuant to ORS 675.150, plaintiff is entitled to an injunction against defendant that permanently enjoins and restrains him from unlawfully

engaging in the practice of psychology, from conducting the activities described in paragraph 2[,] above[,] and from representing himself to be a psychologist.

(*Id.* at 1-4.) The Court granted the injunction and ordered, among other things, that Mr. King be permanently enjoined and restrained from engaging in the “practice of psychology,” as defined in ORS 675.010(4), and which includes the various activities contained in the Court’s findings. (*Id.* at 5.) The Court also ordered that Mr. King be permanently enjoined and restrained from representing himself to be a psychologist, and from using the title “doctor.” (*Id.* at 5-6.)

7. On February 7, 2013, the Board issued a Notice of Intent to Impose Civil Penalty against Mr. King. (Board Attachment A at 1-4.)

### **CONCLUSIONS OF LAW**

1. Mr. King engaged in the unlicensed practice of psychology and represented himself to be a psychologist, in violation of ORS 675.020(1)(a) and (b).

2. The Board may assess a \$10,000 civil penalty against Mr. King, pursuant to ORS 675.070(1)(g) and (3)(b)(E).

### **OPINION**

#### **Motion for Summary Determination Standard**

OAR 137-003-0580 is titled “Motion for Summary Determination” and provides, in relevant part:

(6) The administrative law judge shall grant the motion for a summary determination if:

(a) The pleadings, affidavits, supporting documents (including any interrogatories and admissions) and the record in the contested case show that there is no genuine issue as to any material fact that is relevant to resolution of the legal issue as to which a decision is sought; and

(b) The agency or party filing the motion is entitled to a favorable ruling as a matter of law.

(7) The administrative law judge shall consider all evidence in a manner most favorable to the non-moving party or non-moving agency.

(8) Each party or the agency has the burden of producing evidence on any issue relevant to the motion as to which that party or the agency would have the burden of persuasion at the contested case hearing.

\* \* \* \* \*

(12) If the administrative law judge's ruling on the motion resolves all issues in the contested case, the administrative law judge shall issue a proposed order in accordance with OAR 137-003-0645 incorporating that ruling[.]

### **Alleged Violations**

The Board alleges that Mr. King engaged in the unlicensed practice of psychology and that he unlawfully represented himself to be a psychologist, in violation of ORS 675.020(1)(a) and (b). The Board has the burden of establishing its allegations by a preponderance of the evidence. ORS 183.450(2) ("The burden of presenting evidence to support a fact or position in a contested case rests on the proponent of the fact or position"); *Harris v. SAIF*, 292 Or 683, 690 (1982) (general rule regarding allocation of burden of proof is that the burden is on the proponent of the fact or position); *Metcalf v. AFSD*, 65 Or App 761, 765 (1983) (in the absence of legislation specifying a different standard, the standard of proof in an administrative hearing is preponderance of the evidence). Proof by a preponderance of the evidence means that the fact finder is persuaded that the facts asserted are more likely than not true. *Riley Hill General Contractor v. Tandy Corp.*, 303 Or 390, 402 (1987).

ORS 675.010(4) defines the "practice of psychology" as follows:

"Practice of psychology" means rendering or offering to render supervision, consultation, evaluation or therapy services to individuals, groups or organizations for the purpose of diagnosing or treating behavioral, emotional or mental disorders. "Practice of psychology" also includes delegating the administration and scoring of tests to technicians qualified by and under the direct supervision of a licensed psychologist.

ORS 675.020 provides, in part:

(1) [N]o person shall, unless exempted from the provisions of ORS 675.010 to 675.150 by ORS 675.090.<sup>2</sup>

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<sup>2</sup> ORS 675.090(1) states, in part, that ORS 675.010 to 675.150 do not apply to the following:

(a) A person who teaches psychology, conducts psychological research or provides consulting services to an organization or institution provided that the teaching, research or consulting services do not involve the delivery or supervision of direct psychological services to individuals who are themselves, rather than a third party, the beneficiaries of the services, regardless of the source or extent of payment for the services rendered.

(b) The provision of expert testimony by a person described in paragraph (a) of this subsection.

(c) A person who is either:

(a) Practice psychology in this state without first being licensed under ORS 675.010 to 675.150; or

(b) Represent oneself to be a psychologist without first being licensed under ORS 675.010 to 675.150.

(2) As used in subsection (1)(b) of this section, “represent oneself to be a psychologist” means to use any title or description of services incorporating the words “psychology,” “psychological,” “psychotherapy” or “psychologist,” or to offer or render to individuals or to groups of individuals services included in the practice of psychology.

The Board, through its legal counsel, contended that under the doctrine of issue preclusion (*i.e.* collateral estoppel), Mr. King is precluded from challenging the Marion County Circuit Court’s determination that he engaged in the unlicensed practice of psychology and that he unlawfully represented himself to be a psychologist, in violation of ORS 675.020(1)(a) and (b). Issue preclusion is applicable in administrative proceedings, and it may apply to findings of fact, as well as to conclusions of law. *Drews v. EBI Companies*, 310 Or 134, 140, 142 (1990). If the following requirements are met, a tribunal’s determination on an issue may preclude re-litigation of the issue in another proceeding:

1. The issue in the two proceedings is identical[.]

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(A) A matriculated graduate student \* \* \*[.]

(B) A student pursuing post-doctoral training or experience \* \* \*[; or]

(C) A person pursuing certification or licensure or a graduate degree in any of the certified or licensed professions otherwise[.]

(d) A person who is licensed or certified by the State of Oregon to provide mental health services, provided that the services are rendered within the person’s lawful scope of practice and that the person does not use the title “psychologist”[.]

(e) A person who is licensed, certified or otherwise authorized by the State of Oregon to render professional services, provided that the services are rendered within the person’s lawful scope of practice and that the person does not use the title “psychologist”[.]

(f) A person who is employed by a local, state or federal government agency, or employed by a community mental health program or drug and alcohol treatment program licensed or certified by the State of Oregon[.]

(g) A person who is a recognized member of the clergy[.]

(h) A person who has credentials as a school psychologist[.]

2. The issue was actually litigated and was essential to a final decision on the merits in the prior proceeding[.]
3. The party sought to be precluded has had a full and fair opportunity to be heard on that issue[.]
4. The party sought to be precluded was a party or was in privity with a party to the prior proceeding[.]
5. The prior proceeding was the type of proceeding to which a court will give preclusive effect[.]

*Nelson v. Emerald People's Utility Dist.*, 318 Or 99, 104 (1993) (citations omitted).

Mr. King contends that issue preclusion does not apply in the present matter because the prior proceeding in Marion County Circuit Court involved an injunction and the current matter involves the imposition of a civil penalty. However, the type of remedy, relief, or sanction that is sought and/or imposed in a particular proceeding is irrelevant to whether issue preclusion applies. The present issue, whether Mr. King violated ORS 675.020(1)(a) and (b), is identical to one of the issues that was before Judge Norblad. The issue of whether Mr. King violated ORS 675.020(1)(a) and (b) was actually litigated in Marion County Circuit Court, and it was essential to a final decision on the merits in that proceeding. Mr. King was a party to the prior proceeding and, despite the fact that he acted *pro se* due to financial considerations, the evidence establishes that he had a full and fair opportunity to be heard on the issue. Finally, a circuit court trial is the type of proceeding to which courts give preclusive effect.

Given the above, the ALJ determined that the doctrine of issue preclusion precludes Mr. King from challenging Judge Norblad's determination that Mr. King unlawfully practiced psychology and unlawfully represented himself to be a psychologist in Oregon, in violation of ORS 675.020(1)(a) and (b). The ALJ concluded that there are, consequently, no material facts in dispute, and the Board is entitled to a favorable ruling as a matter of law on the issue of whether Mr. King violated ORS 675.020(1)(a) and (b). The Board agrees.

### **Civil Penalty**

The Board proposed a \$10,000 civil penalty against Mr. King. ORS 675.070 provides, in part:

(1) Where any of the grounds enumerated in subsection (2) of this section exist, the [Board] may impose any of the following sanctions:

\* \* \* \* \*

(g) Impose a civil penalty as set forth in subsection (3) of this section.

(2) Grounds exist for imposition of any of the sanctions enumerated in

subsection (1) of this section against \* \* \* any unlicensed person found in violation of ORS 675.010 to 675.150, when, in the judgment of the board, the person:

\* \* \* \* \*

(h) Has violated any provision of ORS 675.010 to 675.150[.]

\* \* \* \* \*

(3) The board may impose a civil penalty under subsection (1) of this section:

\* \* \* \* \*

(b) In an amount not to exceed \$10,000, if any of the following conditions exist:

\* \* \* \* \*

(E) The person subject to the penalty violated ORS 675.020 by practicing psychology or representing that the person is a psychologist without having a license.

As previously set forth, the ALJ determined that the Board is entitled to a favorable ruling as a matter of law on the issue of whether Mr. King violated ORS 675.020(1)(a) and (b) and that pursuant to ORS 675.070(1)(g) and (3)(b)(E), above, the Board may impose a \$10,000 civil penalty against Mr. King for the established violations.

### **RULING**

In a Ruling on Motion for Summary Determination and Proposed Order, dated August 12, 2013, the ALJ granted the Board of Psychologist Examiners' Motion for Summary Determination. The hearing scheduled for September 6, 2013 was therefore canceled.

### **EXCEPTIONS**

On August 20, 2013, the Board received Mr. King's filed exceptions, in which he disputed the opinion by Circuit Court Judge Norblad. The Board has reviewed his exceptions and finds that they are without merit. His request to present oral argument before the Board is denied.

## ORDER

The Board of Psychologist Examiners issues the following order:

Richard King must pay a \$10,000 civil penalty for violation of ORS 675.020(1)(a) and (b). The \$10,000 civil penalty is payable in full within 60 days from the signing of this Order by the Board Chair.

IT IS SO ORDERED this 10 day of October, 2013.

BOARD OF PSYCHOLOGIST EXAMINERS  
State of Oregon

Redacted

FRAN FERDER, Ph.D.  
Board Chair

### **Right to Judicial Review**

**NOTICE:** You are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition for review with the Oregon Court of Appeals within 60 days after the final order is served upon you. See ORS 183.482. If this Order was personally delivered to you, the date of service is the day it was mailed, not the day you received it. If you do not file a petition for judicial review within the 60 days time period, you will lose your right to appeal.

**NOTICE TO ACTIVE DUTY SERVICEMEMBERS:** Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-7500 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.



1           3.1     Respondent has never possessed a license to practice psychology issued by this  
2 Board. Between December 31, 2008 and July 26, 2011, Respondent engaged in the following  
3 conduct:

4           a.       Respondent administered psychological tests and instruments to various  
5 individuals, including but not limited to the Millon Adolescent Clinical Inventory and the  
6 Kaufman Brief Intelligence Test—Second Edition (KBIT-2). Respondent scored and interpreted  
7 these tests and instruments, or caused these tests and instruments to be scored and interpreted.

8           b.       Respondent prepared or caused others to prepare psychosexual and  
9 psychological evaluations, assessments and reports. Within these reports, Respondent evaluated  
10 and assessed various items, including the subjects' "psychopathology," "intellectual  
11 functioning," "mental status," "possible pathologies," "contributing pathological and/or mental  
12 disorder issues," "depressive condition," "high anxiety" and "possible mental health diagnoses."  
13 Respondent rendered diagnoses of behavioral, emotional and mental disorders, and made  
14 treatment recommendations.

15           c.       Respondent used the Fourth Edition of the Diagnostic and Statistical  
16 Manual of Mental Disorders (DSM IV) to diagnose behavioral, emotional and mental disorders.  
17 This constituted the practice of psychology even when Respondent rendered provisional or  
18 deferred diagnoses.

19           d.       Respondent billed or caused others to bill for psychological testing,  
20 psychological evaluations and psychosexual evaluations conducted, administered and interpreted  
21 by Respondent.

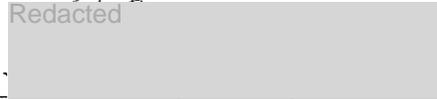
22           3.2     On September 24, 2012, Marion County Circuit Court Judge Albin Norblad  
23 signed a General Judgment Granting Permanent Injunction against Defendant Richard King.  
24 The Court found that Respondent did not possess a license to practice psychology and acted in  
25 violation of ORS 675.020(1)(a) and (b) by unlawfully practicing psychology and representing  
26 himself to be a psychologist in the State of Oregon.



1 part of the evidentiary record of this disciplinary action upon default for the purpose of proving a  
2 *prima facie* case. ORS 183.417(4).

3  
4 DATED this 7<sup>th</sup> day of February, 2013.

5 BOARD OF PSYCHOLOGIST EXAMINERS  
6 State of Oregon

7  Redacted

8 Shane Haydon, Ph.D. /  
9 Board Chair

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STATE OF OREGON  
Marion County Circuit Courts  
SEP 24 2012  
**FILED**

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4 IN THE CIRCUIT COURT OF THE STATE OF OREGON  
5 FOR THE COUNTY OF MARION

6 STATE OF OREGON, Acting by and through  
7 the State Board of Psychologist Examiners, and  
8 the Oregon Board of Licensed Professional  
9 Counselors and Therapists,

10 Plaintiff,

11 v.

12 RICHARD KING,

13 Defendant.

Case No. 11C18684

GENERAL JUDGMENT GRANTING  
PERMANENT INJUNCTION AGAINST  
DEFENDANT RICHARD KING

14 This matter was tried before the Court from July 31, 2012 through August 2, 2012. The  
15 plaintiff, State of Oregon, Acting by and through the State Board of Psychologist Examiners and  
16 the Oregon Board of Licensed Professional Counselors and Therapists, seeks an injunction  
17 against defendant Richard King to prohibit him from engaging in the practice of psychology,  
18 professional counseling and marriage and family therapy and to prohibit him from using the title  
19 "doctor" in connection with the practice of a health care profession.

20 At the conclusion of the trial, the Court took the matter under advisement. In a letter  
21 opinion dated August 24, 2012, the Court determined that the full injunction sought by plaintiff  
22 would be allowed. A copy of this letter opinion is attached hereto and is incorporated herein by  
23 reference. The Court, having considered the parties' pleadings, the testimony presented at trial  
24 and the exhibits admitted into evidence, and being otherwise fully advised,

25 FINDS THAT:

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1           1.       Defendant does not possess a license issued by the Oregon Board of Psychologist  
2 Examiners that would allow him to engage in the “practice of psychology” as defined in ORS  
3 675.010(4).

4           2.       Defendant has acted in violation of ORS 675.020(1)(a) and (b) by unlawfully  
5 practicing psychology and representing himself to be a psychologist in the State of Oregon  
6 without a license. Defendant has unlawfully engaged in the practice of psychology by rendering  
7 consultation, evaluation and therapy services to individuals and groups for the purpose of  
8 diagnosing and treating behavioral, emotional and mental disorders. He has done so by:

9           a)       Administering psychological tests and instruments and interpreting the results.  
10 These tests and instruments include but are not limited to the Millon Adolescent Clinical  
11 Inventory, the Kaufman Brief Intelligence Test—Second Edition (KBIT-2) and the Mini-Mental  
12 States Examination (MMSE).

13           b)       Preparing or causing others to prepare psychosexual and psychological  
14 evaluations, assessments and reports. These reports include but are not limited to those received  
15 into evidence as plaintiff’s Exhibit Two and Exhibit Nineteen. In his evaluations, assessments  
16 and reports, the defendant engaged in the practice of psychology by interpreting psychological  
17 tests and instruments, rendering diagnoses of behavioral, emotional and mental disorders, and  
18 making recommendations for treating these disorders.

19           c)       Using the Fourth Edition of the Diagnostic and Statistical Manual of Mental  
20 Disorders (DSM IV) to diagnose behavioral, emotional and mental disorders. This constituted  
21 the practice of psychology even when the defendant rendered provisional or deferred diagnoses.

22           d)       Defendant has billed, or caused others to bill for psychological testing,  
23 psychological evaluations and psychosexual evaluations conducted, administered and interpreted  
24 by defendant.

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1           3.       Defendant does not possess a license issued by the Oregon Board of Licensed  
2 Professional Counselors and Therapists that would allow him to engage in the practice of  
3 “professional counseling” or “marriage and family therapy” as defined in ORS 675.705(5) and  
4 (6). Prior to December 8, 2008, defendant possessed a license issued by the Oregon Board of  
5 Licensed Professional Counselors and Therapists that allowed him to practice professional  
6 counseling. However, he permanently surrendered this license effective December 8, 2008.

7           4.       Since December 8, 2008, defendant has acted in violation of ORS 675.825(1)(d)  
8 by engaging in the practice of professional counseling in the State of Oregon without a license.  
9 Defendant has engaged in the practice of professional counseling by assessing, diagnosing and  
10 treating mental, emotional and behavioral disorders. He has also provided counseling services  
11 that address personal growth and wellness through the therapeutic relationship to individuals and  
12 groups based on the principles of mental health, behavioral science, group dynamics and using  
13 cognitive, affective, behavioral and systemic intervention strategies. He has done so by:

14           a)       Administering psychological tests and instruments to individuals and interpreting  
15 the results. These tests and instruments include but are not limited to the Millon Adolescent  
16 Clinical Inventory, the Adolescent Psychopathology Scale, the Kaufman Brief Intelligence  
17 Test—Second Edition (KBIT-2) and the Mini-Mental States Examination (MMSE).

18           b)       Preparing or causing others to prepare psychosexual and psychological  
19 evaluations, assessments and reports. These reports include but are not limited to those received  
20 into evidence as plaintiff’s Exhibit Two and Exhibit Nineteen. In his evaluations, assessments  
21 and reports, the defendant engaged in the practice of professional counseling by interpreting  
22 psychological tests and instruments, rendering diagnoses of mental, emotional and behavioral  
23 disorders, and making recommendations for treating these disorders.

24           c)       Using the Fourth Edition of the Diagnostic and Statistical Manual of Mental  
25 Disorders (DSM IV) to assess and diagnose mental, emotional and behavioral disorders. This

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1 constituted the practice of professional counseling even when the defendant rendered provisional  
2 or deferred diagnoses.

3 d) Facilitating or co-facilitating group therapy sessions, individual counseling  
4 sessions, and Emotional Control Group sessions in which he has provided therapy and  
5 counseling services to persons who were adjudicated or convicted of committing sex crimes and  
6 sexual offenses. He has offered therapy and counseling services for the purpose of diagnosing  
7 and treating mental, emotional and behavioral disorders.

8 5. Defendant does not possess any other license or certificate issued by the State of  
9 Oregon or any of its health professional regulatory boards that would allow him to conduct the  
10 activities described in paragraphs 2 and 4 above.

11 6. In some of his billing statements admitted into evidence as plaintiff's Exhibit 21,  
12 defendant has used the title "doctor" to identify himself when billing for psychological testing  
13 and psychosexual evaluations. In doing so, he has acted in violation of ORS 676.110(1) which  
14 prohibits using the title "doctor" in connection with the practice of a health care profession,  
15 unless one is licensed by the appropriate health professional regulatory board.

16 7. Plaintiff has no adequate remedy at law.

17 8. Pursuant to ORS 675.150, plaintiff is entitled to an injunction against defendant  
18 that permanently enjoins and restrains him from unlawfully engaging in the practice of  
19 psychology, from conducting the activities described in paragraph 2 above and from representing  
20 himself to be a psychologist.

21 9. Pursuant to ORS 675.835 plaintiff is entitled to an injunction against defendant  
22 that permanently enjoins and restrains him from unlawfully engaging in the practice of  
23 professional counseling, from conducting the activities described in paragraph 4 above and from  
24 holding himself out to be a licensed professional counselor.

25 NOW, THEREFORE, it is hereby ordered and adjudged that:

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1           1.       Defendant Richard King is permanently enjoined and restrained from engaging in  
2 the “practice of psychology” as defined in ORS 675.010(4). Defendant is permanently enjoined  
3 and restrained from rendering supervision, consultation, evaluation or therapy services to  
4 individuals or groups for the purpose of diagnosing or treating behavioral, emotional or mental  
5 disorders. Defendant is also permanently enjoined and restrained from representing himself to  
6 be a psychologist.

7           2.       Defendant Richard King is permanently enjoined and restrained from engaging in  
8 the practice of “professional counseling” and “marriage and family therapy” as defined in ORS  
9 675.705(5) and (6). Defendant is permanently enjoined and restrained from assessing,  
10 diagnosing and treating mental, emotional and behavioral disorders and from providing therapy  
11 and counseling services to individuals and groups.

12          3.       Defendant Richard King is permanently enjoined and restrained from conducting  
13 mental health interviews, testing, assessments and evaluations. Defendant is permanently  
14 enjoined and restrained from administering and interpreting psychological tests and instruments,  
15 including but not limited to the Millon Adolescent Clinical Inventory, the Kaufman Brief  
16 Intelligence Test—Second Edition (KBIT-2), the Mini-Mental States Examination (MMSE) and  
17 the Adolescent Psychopathology Scale.

18          4.       Defendant is permanently enjoined and restrained from preparing or causing  
19 others to prepare psychological and psychosexual evaluations, assessments and reports;  
20 including those in which he interprets psychological tests and instruments, renders a regular,  
21 provisional or deferred diagnosis of a behavioral, emotional and mental disorder or makes a  
22 recommendation for treating such disorders. This injunction also prevents the defendant from  
23 preparing or causing others to prepare evaluations, assessments or reports similar to those  
24 received into evidence as Plaintiff’s Exhibits Two and Nineteen.

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2) Judgment Debtor: Richard King  
a) Address: P.O. Box 113  
Marylhurst, OR 97036  
b) Date of Birth: N/A  
c) Social Security Number: N/A  
d) Driver's License No. N/A  
State of Issuance: N/A

3) Other persons or public body entitled to a portion of payment: None

4) Principal Amount of Judgment: N/A

5) Attorney fees: N/A

6) Costs and disbursements: \$ 401.28

7) Post-judgment interest at the rate of nine (9) percent per annum on item #6 of this judgment until it is paid-in-full.

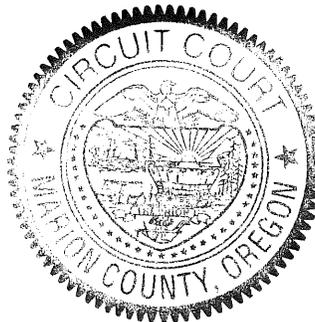
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Dated: Sept 24, 2012.

ALBIN W. NORBLAD  
CIRCUIT COURT JUDGE

Albin W. Norblad

SUBMITTED BY:  
Michael W. Grant #982404  
Assistant Attorney General  
Attorney for Plaintiff  
Oregon Department of Justice  
1162 Court Street NE  
Salem, OR 97301  
Telephone: (503) 934-4400  
Fax: (503) 373-7067  
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STATE OF OREGON } ss  
County of Marion }

The foregoing copy has been compared and is certified by me as a full, true and correct copy of the original on file in my office and in my custody.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the

Court on: 9/25/12  
TRIAL COURT ADMINISTRATOR

By: APADIA



CIRCUIT COURT OF OREGON  
THIRD JUDICIAL DISTRICT  
MARION COUNTY COURTHOUSE  
100 HIGH ST NE, RM 1272 • SALEM, OR 97301-3640  
*Mailing Address:*  
PO BOX 12869 • SALEM, OR 97309-0869

ALBIN W. NORBLAD  
Circuit Court Judge

503.588.5028  
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August 24, 2012

Michael Grant  
Assistant Attorney General  
1162 Court St NE  
Salem OR 97310

Richard King  
PO Box 113  
Maylhurst OR 97036

*RE: State of Oregon vs. Richard King  
11C18684*

Dear Mr. Grant and Mr. King:

This matter is before the court on the plaintiff's, The Oregon Board of Psychologist Examiners (BPE) and The Oregon Board of Licensed Professional Counselors and Therapists (LPCT) request for injunctive relief against defendant Richard King. Plaintiff, BPE, wants defendant King enjoined from practicing as a psychologist and plaintiff, LPCT, wants defendant King enjoined from practicing as a Licensed Counselor or Therapist.

Defendant King in his answer, paragraphs 8 and 13 that allege both plaintiffs have a right to a permanent injunction against the defendant enjoin him from either practicing as a Psychologist or Counselor or Therapist; therefore the issue is not whether an injunction should be granted but what aspects of the defendant's practice should be enjoined. The state claims what he does comes within the preview of licensing requirement of ORS 675.010 to 675.994. Defendant claims that what he does does not violate the statutes under ORS 675, but that he is just an educator doing educational classes for sex offenders.

Further the defendant claims that his nonprofit has two certified sex offender therapist employees who do all the counseling. The question is whether the testing, interpretation, individual and group counseling sessions are solely education or also contain components of counseling and therapy. While there was some non expert testimony about what the defendant's relationship is with clients trying to determine if the defendant is counseling is problematical without having

testimony of an expert who watched the actual sessions and then testify in court. The defendant walks a tight line and plays semantic games. The court feels he does some counseling even though he says he does not. Defendant said he does no counseling which he defines as one giving advice. It's hard to understand how one can teach without giving advice. In his testimony the defendant did admit to conducting therapy which is defined as the treatment of an illness or disability. It is clear that the statutes contained in ORS 675 define and control therapy. With his admission the defendant is violating the statute dealing with therapy and is offering those services to persons for the purpose of diagnosing and treating behavioral disorders.

Based upon the testimony of the two experts and in reading the exhibits, including the evaluation and billing, it is clear the defendant is doing psychologicals. Most of these psychologicals are called assessments. The defendant claimed he does no interpretation or any DSM assessments. Again, he claims these are educational. While there is psychological testing defendant states he just reports the results. He further claims that by giving deferred diagnosis he is not making any DSM "judgment." All one has to do is read the assessments, in particular ex. 19 which has nothing to do with sex to realize he is making a diagnosis and executing a psychological. In fact the defendant is trying to make a distinction where there is no difference. He is interpreting and making a diagnosis of behavior, emotional and mental disorders. This can be seen in his billing. If he is not doing psychological why is he billing for psychological testing. The defendant is attempting to skirt the law but in this court's opinion he does not make it and the full injunction will be allowed.

Respectfully,

Redacted

Albin W. Norblad  
Circuit Court Judge

AWN/rb