

1 a hearing and now stands in default. The Board elects in this case to designate the record of
2 proceeding to date, which consists of Respondent's file with the Board as the record for purposes
3 of proving a prima facie case, pursuant to ORS 183.417(4).

4 NOW THEREFORE, after considering the Board's file relating to this matter, the Board
5 enters the following Order.

6 3.

7 FINDINGS OF FACT

8 Respondent's acts and conduct that constituted the unlicensed practice of psychology, to
9 include representing himself to be a psychologist by offering or rendering services included in
10 the practice of psychology, violated ORS 675.020(1)(a) and (b), ORS 675.070(1)(g) and ORS
11 675.070(3)(b)(E), and are more particularly described below:

12 3.1 Respondent is not licensed to practice psychology in the State of Oregon.
13 Respondent completed his doctorate at the California School of Professional Psychology in
14 August of 2003, but never obtained a license in California to practice psychology. Although he
15 was registered as a psychological assistant in California, this registration expired in January of
16 2010. Respondent moved to Oregon and began to work at Oregon State University Counseling
17 and Psychological Services in March, 2010, which was an exempt setting under ORS
18 675.090(1)(f). Respondent subsequently resigned from that position and began to work at the
19 Avel Gordy Center for Healing, a division of the Oregon Health Sciences University (OHSU) on
20 January 3, 2012, which was also an exempt setting under ORS 675.090(1)(f). Respondent
21 continued to work at OHSU and provided clinical services to clients until March of 2014, when
22 he was placed on administrative leave after it was determined that Respondent had worked for
23 more than two years in an exempt setting. A person with a doctoral degree in psychology who is
24 employed in an exempt setting may practice psychology for no more than 24 months after the
25 person begins practicing psychology without a license at the exempt setting, ORS 675.090(2)(a).

1 By practicing psychology in an exempt setting in excess of 24 months, Respondent engaged in
2 the unlicensed practice of psychology, in violation of ORS 675.020(1)(a).

3 3.2 Respondent submitted an application to be licensed as a psychologist in Oregon
4 on May 23, 2011. Respondent was eligible to take the Examination for the Professional Practice
5 in Psychology (EPPP) and the Oregon Jurisprudence Examination, but to date has not taken
6 either examination. As a result, his eligibility for licensure in Oregon expired on August 3, 2013.

7 4.

8 CONCLUSIONS OF LAW

9 The acts and conduct of Respondent described above constitute the unlicensed practice of
10 psychology as well as representing himself to be a psychologist by offering or rendering services
11 included in the practice of psychology, in violation of ORS 675.020(1)(a) and (b), ORS
12 675.070(1)(g) and ORS 675.070(3)(b)(E).

13 5.

14 ORDER

15 IT IS HEREBY ORDERED THAT Marcus E. Sharpe, Respondent, pay a civil penalty
16 of \$3,000 within 30 days from the date this Order is signed by the Executive Director.

17
18 DATED this 14 day of October, 2014.

19 BOARD OF PSYCHOLOGIST EXAMINERS
20 State of Oregon

21  Redacted

22 Fran Ferder, Ph.D.
23 Board Chair
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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.

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BEFORE THE
BOARD OF PSYCHOLOGIST EXAMINERS
STATE OF OREGON

In the Matter of the Conduct of:) AGENCY NO: OBPE #2014-017
MARCUS E. SHARPE, Psy.D.)
Respondent) NOTICE OF INTENT TO IMPOSE CIVIL
PENALTY
)

1.

The Board of Psychologist Examiners (Board) is the state agency responsible for licensing and disciplining psychologists, and for regulating the practice of psychology in the State of Oregon. The Board is also responsible for enforcing the laws against the unlicensed practice of psychology in the state of Oregon. Marcus E. Sharpe, Psy.D. (Respondent) is not licensed by the Board to practice psychology in the state of Oregon.

2.

The Board proposes to impose a civil penalty of \$3,000 against Respondent, pursuant to ORS 675.020(1)(a), ORS 675.070(1)(g) and ORS 675.070(3)(a), for engaging in the unlicensed practice of psychology in the state of Oregon.

3.

Respondent's violations of ORS 675.020(1)(a), ORS 675.070(1)(g) and ORS 675.070(3)(b)(E) are more particularly described below:

3.1 Respondent is not licensed to practice psychology in the State of Oregon.

Respondent completed his doctorate at the California School of Professional Psychology in August of 2003, but never obtained a license in California to practice psychology. Although he was registered as a psychological assistant in California, this registration expired in January of 2010. Respondent moved to Oregon and began to work at Oregon State University Counseling

1 and Psychological Services in March, 2010, which was an exempt setting under ORS
2 675.090(1)(f). Respondent subsequently resigned from that position and began to work at the
3 Avel Gordy Center for Healing (a division of the Oregon Health Sciences University (OHSU) on
4 January 3, 2012, which was also an exempt setting under ORS 675.090(1)(f). Respondent
5 continued to work at OHSU and provided clinical services to clients until March of 2014, when
6 he was placed on administrative leave after it was determined that Respondent had worked for
7 more than two years in an exempt setting. A person with a doctoral degree in psychology who is
8 employed in an exempt setting may practice psychology for no more than 24 months after the
9 person begins practicing psychology without a license at the exempt setting, ORS 675.090(2)(a).
10 By practicing psychology in an exempt setting in excess of 24 months, Respondent engaged in
11 the unlicensed practice of psychology, in violation of ORS 675.020(1)(a).

12 3.2 Respondent submitted an application to be licensed as a psychologist in Oregon
13 on May 23, 2011. Respondent was eligible to take the examination for the Professional Practice
14 in Psychology (EPPP) and the Oregon Jurisprudence Examination, but to date has not taken
15 either examination. As a result, his eligibility for licensure in Oregon expired on August 3, 2013.

16 4.

17 The Board has authority to impose a civil penalty of up to \$10,000 against Respondent
18 for practicing psychology without a license or representing that he offers services included in the
19 practice of psychology without having a license to practice psychology, pursuant to ORS
20 675.020(1)(a), ORS 675.070(1)(g), and ORS 675.070(3)(b)(E).

21 5.

22 Respondent has the right, if Respondent requests, to have a formal contested case hearing
23 before an Administrative Law Judge to contest the matter set out above, as provided by Oregon
24 Revised Statutes 183.310 to 183.497. At the hearing, Respondent may be represented by an
25 attorney and subpoena and cross-examine witnesses.

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6.

If Respondent requests a hearing, the request must be made in writing to the Board, must be received by the Board within thirty (30) days from the mailing of this notice, and must be accompanied by a written answer to the charges contained in this notice. Before commencement of the hearing, Respondent will be given information on the procedures, right of representation and other rights of parties relating to the conduct of the hearing as required under ORS 183.413-415.

7.

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>.

8.

If Respondent fails to request a hearing within 30 days, or fails to appear at the hearing as scheduled, the Board may issue a final order by default and impose the above sanctions against Respondent. Respondent's submissions to the Board to-date regarding the subject of this disciplinary case and all information in the Board's files relevant to the subject of this case automatically become part of the evidentiary record of this disciplinary action upon default for the purpose of proving a *prima facie* case. ORS 183.417(4).

DATED this 28th day of July 2014.

BOARD OF PSYCHOLOGIST EXAMINERS
State of Oregon

Redacted

Becky Eklund
Executive Director