BEFORE THE

BOARD OF PSYCHOLOGIST EXAMINERS

STATE OF OREGON

In the Matter of the Conduct of:	) AGENCY NO: OBPE #2014-031
	)
	)
MARK EVEY, Ph.D.	) DEFAULT ORDER
	)
Respondent	

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. Mark Evey, Ph.D. (Respondent) is not licensed by the Board to practice psychology in the State of Oregon.

2.

On November 14, 2014, the Board issued and on November 28, 2014 sent to Respondent by regular and certified mail a Notice of Intent to Impose Civil Penalty of $3,000 against Respondent pursuant to ORS 675.010(4); ORS 675.020(1)(a) and (b); ORS 675.675.070(1)(g). and ORS 675.070(3)(b)(E). This Notice informed Respondent that a request for hearing "must be made within thirty (30) days from the mailing of this notice." Respondent submitted a request for hearing that was postmarked "December 31, 2014." As a result, Respondent has waived his right to a hearing and now stands in default. The Board elects in this case to designate the record of proceeding to date, which consists of Respondent's file with the Board as the record for purposes of proving a prima facie case, pursuant to ORS 183.417(4).

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

1 3.

2 FINDINGS OF FACT

3 Respondent's acts and conduct that constituted the unlicensed practice of psychology, to
4 include representing himself as a psychologist by offering or rendering services included in the
5 practice of psychology, are more particularly described below:

6 3.1 Respondent is a former applicant to this Board who worked under a resident
7 contract for several years, but never completed the requirements for licensure, to include taking
8 the necessary examinations to qualify for licensure. Respondent has never been licensed to
9 practice psychology in the State of Oregon. The Board opened an investigation after receiving
10 allegations that Respondent has engaged in the unlicensed practice of psychology in Oregon.
11 The Board sent a letter to Respondent asking him to respond to specific allegations that he had
12 engaged in the unlicensed practice of psychology. Respondent responded to the Board's letter,
13 providing an explanation that did not resolve the matters under investigation.

14 3.2 Respondent has treated children for mental health disorders in Oregon, which
15 constitutes practicing psychology without a license. Respondent allowed himself to be referred
16 to as "Dr" in a health care setting, in violation of ORS 676.110(2). This created a false
17 impression that he is a licensed psychologist.

18 3.3 Respondent appeared in a number of internet websites, which represented him to
19 be a psychologist with a Ph.D. in psychology, and offered services to the public that are included
20 in the practice of psychology. These websites also provided the address and phone number of
21 his clinic in Bend, Oregon.

22 4.

23 CONCLUSIONS OF LAW

24 The acts and conduct of Respondent described above constitute the unlicensed practice of
25 psychology, and violated the following statutory provisions:

26

- ORS 675.010(4) by engaging in the unlicensed practice of psychology in the State of Oregon.
- 675.020(1)(a) and (b) by representing himself to be a psychologist by offering or rendering services included in the practice of psychology.
- ORS 675.070(1)(g) by representing himself to be a psychologist, Respondent impersonated a licensed psychologist.
- The Board also identified ORS 675.070(3)(b)(E) as a basis for imposing a civil penalty in excess of $10,000 because Respondent represented himself to be a psychologist without having a license. But in the exercise of its discretion, the Board has elected to limit the imposition of a civil penalty in this case to $3,000.

5.

ORDER

IT IS HEREBY ORDERED THAT Respondent Mark Evey, Ph.D. must pay a civil penalty of $3,000 within 60 days from the signing of this Order.

DATED this 16th day of January, 2015.

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.

BEFORE THE

BOARD OF PSYCHOLOGIST EXAMINERS

STATE OF OREGON

In the Matter of the Conduct of:	) AGENCY NO: OBPE #2014-031
	)
MARK EVEY, Ph.D.	) NOTICE OF INTENT TO IMPOSE CIVIL PENALTY
	)
Respondent	

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. Mark Evey, Ph.D. (Respondent) is not licensed by the Board to practice psychology in the State of Oregon.

2.

Respondent is a former applicant to this Board who worked under a resident contract for several years, but never completed the requirements for licensure, to include taking the necessary examinations to qualify for licensure. Respondent has never been licensed to practice psychology in the State of Oregon. The Board opened an investigation after receiving allegations that Respondent has engaged in the unlicensed practice of psychology in Oregon. The Board sent a letter to Respondent asking him to respond to specific allegations that he had engaged in the unlicensed practice of psychology. Respondent responded to the Board's letter, providing an explanation that did not resolve the matters under investigation. The Board now proposes to impose a civil penalty of $3,000 against Respondent, pursuant to ORS 675.010(4); 675.020(1)(a) and (b), ORS 675.070(1)(g) and ORS 675.070(3)(b)(E), for engaging in the unlicensed practice of psychology, by representing himself to be a psychologist.

3.

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

a. Respondent has treated children for mental health disorders in Oregon, which constitutes practicing psychology without a license. Respondent also allows himself to be referred to as "Dr" in a health care setting, in violation of ORS 676.110(2). This creates a false impression that he is a licensed psychologist.

b. Respondent appears in a number of internet websites, which represent him to be a psychologist with a Ph.D. in psychology. These websites also list the address and phone number of his clinic in Bend, Oregon. Respondent's conduct violates ORS 675.020(1)(a) and (b), because he engaged in the unlicensed practice of psychology and represented himself to be a psychologist by offering or rendering services included in the practice of psychology.

4.

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

5.

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

6.

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.

7.

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.

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 14 day of November, 2014.

BOARD OF PSYCHOLOGIST EXAMINERS
State of Oregon

Redacted

Fran Ferder, Ph.D.
Board Chair