

TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS
TSBEP No. 09-184-9999

IN THE MATTER OF

§
§
§
§
§

**BEFORE THE TEXAS STATE
BOARD OF EXAMINERS
OF PSYCHOLOGISTS**

MARC J. ACKERMAN, PH.D.

AGREED ORDER FOR ELIGIBILITY

Pursuant to its authority under §501.410 of the Psychologists' Licensing Act (the Act) and §2001.056 of the Government Code, the Texas State Board of Examiners of Psychologists (the Board) hereby approves and enters this Agreed Order for Eligibility with the following Findings of Fact, Conclusions of Law, and Order of the Board, which have been approved and accepted by **MARC J. ACKERMAN, PH.D.** (Respondent) and which constitute a full settlement and compromise of all complaints against Respondent pending before the Board.

FINDINGS OF FACT

1. Respondent is currently an applicant for temporary licensure as a psychologist in the State of Texas and is, therefore, subject to the jurisdiction of the Board under the Act.
2. Respondent practiced psychology illegally in the State of Texas for more than three (3) years, providing forensic psychological services.

CONCLUSIONS OF LAW

1. Respondent voluntarily submitted an application to the Board and, therefore, is bound by the provisions of the Act and the Rules of the Board.
2. Based on the Findings of Fact, Respondent violated the Act, including § 501.251. License Required and § 501.263. Temporary License.

3. Based on the Findings of Fact, Respondent violated Board rules 463.27 pertaining to temporary license for persons licensed in other states, 465.5(b) pertaining to practice of psychology, and 465.9(c) pertaining to maintenance of professional information that ensures competency in every area in which they provide services.
4. The Board enters into Agreed Orders for Eligibility with applicants for licensure. Ratified orders for eligibility are placed in an application file and, upon licensure, in a professional file. An Agreed Order for Eligibility is a document subject to open record requests but it is not considered to be a disciplinary action.
5. This Agreed Order for Eligibility is a Settlement Agreement under the Texas Rules of Evidence and is not admissible for the purposes of civil litigation. By entering into this Agreed Order, Respondent does not admit the foregoing Findings of Fact or Conclusions of Law, but agrees to resolve this matter to avoid the expense and uncertainty of further proceedings.

ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent's October 23, 2009 application for temporary licensure, received by the Board on October 27, 2009, is denied.
2. Respondent is ineligible for temporary licensure in Texas.
3. Respondent agrees not to apply for licensure as a provisionally licensed psychologist for three (3) years from the effective date of this Order.
4. Respondent is assessed an administrative penalty in the amount of two thousand dollars (\$2,000.00) which represents administrative penalty of one thousand dollars (\$1,000.00) and administrative costs in the amount of one thousand dollars (\$1,000.00). Respondent is ordered to pay this amount within ninety (90) days of the date of this order.
5. Respondent shall comply with all state and federal statutes and regulations pertaining to the practice of psychology in Texas.

On any matter pertaining to his licensure, Respondent has waived his right to a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH) in exchange for the conditions set out in the Agreed Order of Eligibility.

THE RESPONDENT, MARC J. ACKERMAN, PH.D., BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF AND AGREEMENT WITH THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER.

FOR THE RESPONDENT:

DATE: 8/3/2010



Marc J. Ackerman, Ph.D.
1317 W. Towne Square Rd.
Mequon, WI 53092

FOR THE STAFF OF THE BOARD:

DATE: 8/5/10



Dianne L. Izzo, State Bar No. 24049733
General Counsel
Texas State Board of Examiners of
Psychologists
333 Guadalupe, Suite 2-450
Austin, TX 78701

APPROVED AND SIGNED THIS 12th DAY OF August, 2010.



Tim F. Branaman, Ph.D.
Chair, Texas State Board of Examiners of
Psychologists

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

7008 0150 0003 0482 2518

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To

Street, Apt. No.,
or PO Box No. *Ackerman Atty Dalrymple*

City, State, ZIP+4 *ACTY - TX*

PS Form 3800 August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <input checked="" type="checkbox"/> <i>Kelly McDonald</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to: <i>To: Dr. Ackerman</i> Kenda B. Dalrymple, Partner Carls, McDonald & Dalrymple, L.L.P. Barton Oaks Plaza 2 901 South Mopac, Suite 500 Austin, TX 78746</p>		<p>B. Received by (Printed Name)</p>	<p>C. Date of Delivery <i>8-17</i></p>
<p>2. Article Number (Transfer from service label) 7008 0150 0003 0482 2518</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No <p style="text-align: center;">AUG 18 2010</p> </p>	
<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	

**TEXAS STATE
BOARD OF
EXAMINERS OF
PSYCHOLOGISTS**

EXECUTIVE DIRECTOR
Sherry L. Lee



MEMBERS OF THE BOARD

Carl E. Settles, Ph.D.
Chair
Harker Heights

Gary R. Elkins, Ph.D.
Vice-Chair
Waco

Donna Lord Black, M.A.
Fulshear

Tim F. Branaman, Ph.D.
Dallas

Jo Ann Campbell, M.S.
Abilene

Carlos R. Chacón
El Paso

Angela A. Downes, J.D.
Dallas

Narciso Escareno
Brownsville

Lou Ann Todd Mock, Ph.D.
Bellaire

August 16, 2010

John J. Toohey, Jr.
15 Cranston St., Apt. C
Jamaica Plain, MA 02130

RE: In the Matter of Marc J. Ackerman, Ph.D.
TSBEP No. 09-184-9999

Dear Mr. Hart:

The Board ratified an Agreed Order for Eligibility settling the above-referenced case at its August 12, 2010 meeting.

Dr. Ackerman's application for temporary licensure was denied. He is ineligible for temporary licensure in Texas. Dr. Ackerman will not be eligible to apply for licensure as a provisionally licensed psychologist (a prerequisite for full licensure) for three years from the ratification date. In addition, he was assessed an administrative penalty of two thousand dollars (\$2,000.00).

An eligibility order is not considered disciplinary action because the person has no license to be disciplined. However, the Agreed Order is a document subject to the Open Records law, and therefore available upon request. A copy is enclosed for your records.

Thank you for your participation in the Board's enforcement process. If you have any additional questions, please contact the Enforcement Division at (512) 305-7700.

Sincerely,

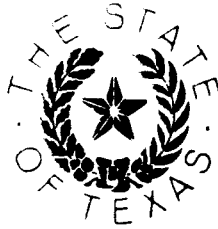
Dianne L. Izzo
General Counsel

Encl.

cc: Phil Smith, Esq.

**TEXAS STATE
BOARD OF
EXAMINERS OF
PSYCHOLOGISTS**

EXECUTIVE DIRECTOR
Sherry L. Lee



August 16, 2010

MEMBERS OF THE BOARD

Carl E. Settles, Ph.D.
Chair
Harker Heights

Gary R. Elkins, Ph.D.
Vice-Chair
Waco

Donna Lord Black, M.A.
Fulshear

Tim F. Branaman, Ph.D.
Dallas

Jo Ann Campbell, M.S.
Abilene

Carlos R. Chacón
El Paso

Angela A. Downes, J.D.
Dallas

Narciso Escareno
Brownsville

Lou Ann Todd Mock, Ph.D.
Bellaire

Joe H. Thrash
Assistant Attorney General
Administrative Law Division
P.O. Box 12547
Austin, TX 78711

RE: Request for Representation/Withdrawn

In the Matter of Marc J. Ackerman, Ph.D.
TSBEP No. 09-184-9999

Dear Joe:

Dr. Ackerman did testify without temporary licensure in the family court in New Boston, as described in the enclosed affidavit filed by the complainant.

However, the Board has reached a satisfactory agreement. The Board ratified an Agreed Order for Eligibility with the non-licensee on August 12, 2010. A copy is provided for your files.

The terms of the Order provide that Dr. Ackerman is ineligible for a temporary license. He may not apply for full licensure in Texas for three years. In addition, he was assessed an administrative penalty of \$2,000. to help defray our costs.

Thank you for all your efforts on our behalf. Please call with any questions.

Sincerely,

D-L-1220

Dianne L. Izzo
General Counsel

Enclosures

**TEXAS STATE
BOARD OF
EXAMINERS OF
PSYCHOLOGISTS**

EXECUTIVE DIRECTOR
Sherry L. Lee



MEMBERS OF THE BOARD

Carl E. Settles, Ph.D.
Chair
Harker Heights

Gary R. Elkins, Ph.D.
Vice-Chair
Waco

Donna Lord Black, M.A.
Fulshear

Tim F. Branaman, Ph.D.
Dallas

Jo Ann Campbell, M.S.
Abilene

Carlos R. Chacón
El Paso

Angela A. Downes, J.D.
Dallas

Narciso Escareno
Brownsville

Lou Ann Todd Mock, Ph.D.
Bellaire

August 6, 2010

Kenda Dalrymple, Esq.
Carls, McDonald & Dalrymple, LLP
Barton Oaks Plaza 2
901 South Mopac, Suite 500
Austin, TX 78746

RE: In the Matter of Marc J. Ackerman, Ph.D.
TSBEP No. 09-184-9999

Dear Ms. Dalrymple:

The Board is in receipt of the Agreed Order bearing your client's signature, received August 5, 2010.

The Order will be presented for ratification by the full Board at its next meeting. You will be notified shortly after the Board's meeting concerning their decision. At that time, please provide a new letter of representation for the compliance phase of these proceedings if your representation will continue after the order is ratified.

Compliance activities for an Agreed Order cannot be pre-approved before the Board ratifies the order. Please do not send payment of administrative penalty until you receive your copy of the ratified order.

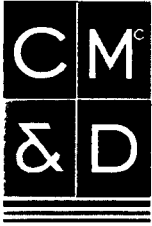
Call with any questions, (512) 305-7705.

Sincerely,

Dianne L. Izzo
General Counsel

Encl.

cc: Jason Ray, Esq., Riggs Aleshire & Ray



CARLS, McDONALD & DALRYMPLE, L L P
ATTORNEYS AT LAW

August 5, 2010

CONFIDENTIAL AND PRIVILEGED PURSUANT TO TEX. OCC. CODE §501.205

2010 AUG - 5 PM 12: 51

T.S.B.E.P.

BY ELECTRONIC MAIL AND BY HAND DELIVERY

Ms. Dianne Izzo, General Counsel
Texas State Board of Examiners of Psychologists
333 Guadalupe, Suite 2-450
Austin, TX 78701

Re: TSBEP No. 09-184-9999; *In the Matter of Marc J. Ackerman, Ph.D.*

Dear Dianne:

Dr. Ackerman has accepted and signed the revised Agreed Order of Eligibility that was sent to us on August 21, 2010. Please find enclosed the original signed Order.

We understand that the enclosed Agreed Order of Eligibility will be presented to the full Board for ratification next week at the Board meeting on August 12, 2010. Unfortunately, I have another board hearing that day so I will not be able to attend. If the Order is ratified and approved by the Board, please be sure to send me a fully signed and executed copy for my file.

Thank you for your professional courtesy in this matter. If you have any questions, please do not hesitate to contact me at 472-4845 or by e-mail to: kenda@cmcdlaw.com.

Very truly yours,

Kenda B. Dalrymple

Enclosure

cc: Marc Ackerman, Ph.D.

**TEXAS STATE
BOARD OF
EXAMINERS OF
PSYCHOLOGISTS**

EXECUTIVE DIRECTOR
Sherry L. Lee



MEMBERS OF THE BOARD

Carl E. Settles, Ph.D.
Chair
Harker Heights

Gary R. Elkins, Ph.D.
Vice-Chair
Waco

Donna Lord Black, M.A.
Fulshear

Tim F. Branaman, Ph.D.
Dallas

Jo Ann Campbell, M.S.
Abilene

Carlos R. Chacón
El Paso

Angela A. Downes, J.D.
Dallas

Narciso Escareno
Brownsville

Lou Ann Todd Mock, Ph.D.
Bellaire

August 2, 2010

Kenda Dalrymple, Esq.
Carls, McDonald & Dalrymple, LLP
Barton Oaks Plaza 2
901 South Mopac, Suite 500
Austin, TX 78746

RE: In the Matter of Marc J. Ackerman, Ph.D.
TSBEP No. 09-184-9999

Dear Ms. Dalrymple:

The Board has received your counter-offer of July 29, 2010. This offer is acceptable to the Board.

If Dr. Ackerman accepts this Order, return a fully executed original to me within thirty (30) days so that the Order may be placed on the Board's next agenda for ratification.

If the Order is not accepted, this matter may be scheduled for hearing before the State Office of Administrative Hearings (SOAH). At that time, the Board reserves the right to amend its recommendation to a more serious disciplinary sanction.

Please call with questions, (512) 305-7705.

Sincerely,

Dianne L. Izzo
General Counsel

Encl.

cc: Jason Ray, Esq., Riggs Aleshire & Ray

TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS
TSBEP No. 09-184-9999

IN THE MATTER OF	§	BEFORE THE TEXAS STATE
	§	
	§	BOARD OF EXAMINERS
	§	
MARC J. ACKERMAN, PH.D.	§	OF PSYCHOLOGISTS

AGREED ORDER FOR ELIGIBILITY

Pursuant to its authority under §501.410 of the Psychologists' Licensing Act (the Act) and §2001.056 of the Government Code, the Texas State Board of Examiners of Psychologists (the Board) hereby approves and enters this Agreed Order for Eligibility with the following Findings of Fact, Conclusions of Law, and Order of the Board, which have been approved and accepted by **MARC J. ACKERMAN, PH.D.** (Respondent) and which constitute a full settlement and compromise of all complaints against Respondent pending before the Board.

FINDINGS OF FACT

1. Respondent is currently an applicant for temporary licensure as a psychologist in the State of Texas and is, therefore, subject to the jurisdiction of the Board under the Act.
2. Respondent practiced psychology illegally in the State of Texas for more than three (3) years, providing forensic psychological services.

CONCLUSIONS OF LAW

1. Respondent voluntarily submitted an application to the Board and, therefore, is bound by the provisions of the Act and the Rules of the Board.
2. Based on the Findings of Fact, Respondent violated the Act, including § 501.251. License Required and § 501.263. Temporary License.

3. Based on the Findings of Fact, Respondent violated Board rules 463.27 pertaining to temporary license for persons licensed in other states, 465.5(b) pertaining to practice of psychology, and 465.9(c) pertaining to maintenance of professional information that ensures competency in every area in which they provide services.
4. The Board enters into Agreed Orders for Eligibility with applicants for licensure. Ratified orders for eligibility are placed in an application file and, upon licensure, in a professional file. An Agreed Order for Eligibility is a document subject to open record requests but it is not considered to be a disciplinary action.
5. This Agreed Order for Eligibility is a Settlement Agreement under the Texas Rules of Evidence and is not admissible for the purposes of civil litigation. By entering into this Agreed Order, Respondent does not admit the foregoing Findings of Fact or Conclusions of Law, but agrees to resolve this matter to avoid the expense and uncertainty of further proceedings.

ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent's October 23, 2009 application for temporary licensure, received by the Board on October 27, 2009, is denied.
2. Respondent is ineligible for temporary licensure in Texas.
3. Respondent agrees not to apply for licensure as a provisionally licensed psychologist for three (3) years from the effective date of this Order.
4. Respondent is assessed an administrative penalty in the amount of two thousand dollars (\$2,000.00) which represents administrative penalty of one thousand dollars (\$1,000.00) and administrative costs in the amount of one thousand dollars (\$1,000.00). Respondent is ordered to pay this amount within ninety (90) days of the date of this order.
5. Respondent shall comply with all state and federal statutes and regulations pertaining to the practice of psychology in Texas.

On any matter pertaining to his licensure, Respondent has waived his right to a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH) in exchange for the conditions set out in the Agreed Order of Eligibility.

THE RESPONDENT, **MARC J. ACKERMAN, PH.D.**, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF AND AGREEMENT WITH THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER.

FOR THE RESPONDENT:

FOR THE STAFF OF THE BOARD:

DATE: _____

DATE: _____

Marc J. Ackerman, Ph.D.
1317 W. Towne Square Rd.
Mequon, WI 53092

Dianne L. Izzo, State Bar No. 24049733
General Counsel
Texas State Board of Examiners of
Psychologists
333 Guadalupe, Suite 2-450
Austin, TX 78701

APPROVED AND SIGNED THIS ____ DAY OF _____, 2010.

Tim F. Branaman, Ph.D.
Chair, Texas State Board of Examiners of
Psychologists