

**BEFORE THE  
BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation	)	
Against:	)	
	)	Case No. 1F 2004 158933
	)	
RANDY RAND, Ed.D.	)	OAH No. 2007080577
Psychologist's License No. PSY 12137	)	
	)	
Respondent.	)	
_____	)	

**DECISION AFTER NON-ADOPT**

Administrative Law Judge Ruth S. Astle, State of California, Office of Administrative Hearings, heard this matter in Oakland, California, on June 16, 17, 18, 20, 23, 24, and July 10, 2008. Kerry Weisel, Deputy Attorney General, represented complainant. Steven Frankel, Ph.D., Attorney at Law, represented respondent. The matter was submitted on September 15, 2008.

On October 9, 2008, the Administrative Law Judge's Proposed Decision was received by the California Board of Psychology. Thereafter, the Board declined to adopt said Proposed Decision and issued a Notice of Non-Adoption of Proposed Decision dated December 16, 2008, and the transcript was ordered. The time for filing written argument in this matter having expired, written argument having been filed by both parties and such written argument, together with the entire record, including the transcript of said hearing, having been read and considered pursuant to Government Code section 11517(c)(2)(E), the Board hereby makes the following decision and order:

**PRELIMINARY MATTERS**

Respondent made a motion to dismiss the part of the accusation relating to the Sonoma County Superior Court matter where respondent acted as a special master. The motion is denied. Respondent was engaged in the practice of psychology and acting as a licensed psychologist in his role as special master. Respondent was expected to use his expertise as a psychologist in conducting his role as special master.<sup>1</sup>

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<sup>1</sup> In addition to testimony from both of the Board's experts that respondent was engaged in the practice of psychology when acting as a special master in this case, there was also testimony that if there

There was evidence that the Board informed complainants that it would not “interject itself into the family court process” or change an order of the court, and that Special Masters are required to follow the directions of the courts. As respondent understood this, the Board had a long-standing policy not to take administrative action against a psychologist acting as a special master in Family Courts. Respondent’s understanding is somewhat inconsistent with his testimony about his being asked to respond to complaints lodged against him as a special master in other cases, since if the Board refused to pursue such cases, it is unclear why he would be asked to respond to these kinds of complaints. To the extent, if any, the Board exercised its discretion in not pursuing complaints against licensees acting in family court matters, such exercise of discretion cannot protect a licensee from charges of misconduct.

Further, it should be noted that the special master agreement contemplates the possibility that a complaint will be filed with the Board. It provides that any grievance against the special master must be brought to the attention of the court, before it can be filed with the Board.

### **FACTUAL FINDINGS**

1. Robert Kahane made the accusation in his official capacity as the Executive Officer of the Board of Psychology (Board).

2. Randy Rand, Ed.D., (respondent) has held Psychologist’s License No. PSY 12137 since March 4, 1991, when it was issued to him by the Board. The license was set to expire December 31, 2008. At all times relevant to this matter, respondent was licensed as a psychologist in the state of California.

Sonoma County, California, Case

3. LD (husband) and JI (wife) are divorced and have two children together. Because of issues of child custody and visitation in the dissolution matter, case number 981064, In re the Marriage of LD and JI, the matter remained open in Sonoma County Superior Court. Because of ongoing issues between the parties, especially visitation matters, husband and wife agreed to the appointment of a special master. Special masters are generally used in high-conflict family law cases. One or more of the parties is likely to be combative, adversarial and difficult to deal with. The special master must remain neutral and impartial. The special master must avoid the appearance of favoring one side or the other or appear to align himself with one side or the other.

4. Husband and wife agreed to have respondent named as the special master. Respondent assumed that role in the fall of 2003. In September 2004, after litigation concerning the authenticity of the 2003 special master agreement appointing respondent, the Sonoma County Superior Court ordered that respondent serve as special master under

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were a finding that respondent was not engaged in the practice of psychology, his unprofessional conduct in the role of special master was substantially related to the practice of psychology.

the terms of a Stipulation and Order Regarding Appointment of Special Master (special master agreement) entered on October 25, 2002, appointing an earlier special master.

5. The October 25, 2002, special master agreement provides that the “appointment is based upon the expertise of the Special Master as a court-appointed expert and licenses [sic] mental health professional.”

6. Very early in respondent’s tenure as special master (December 8, 2003, email), he essentially called wife a liar.<sup>2</sup> Respondent expressed frustration with wife and referred to an incident when she “tried to pull one over on me.” Respondent told wife that he no longer trusted her and that she would have to corroborate everything to him. Respondent ended the email by stating: “I cannot work with dishonesty, and in this context it’s considered perjury.”<sup>3</sup> Wife became dissatisfied with him and his decisions and interactions with her. Respondent saw wife as the more difficult party. He also found the wife’s attorney, Dr. Frank Dougherty, difficult to deal with. Respondent was comfortable with husband and husband’s attorney. Respondent’s relationship with wife was very different from his relationship with husband.

7. Eventually wife wrote respondent a letter outlining her grievances against him and asked respondent to resign as special master. Wife and respondent discussed his resignation by telephone on January 13, 2004. During that conversation, respondent confirmed that he planned to resign and reiterated his decision to resign in an email on January 16, 2004.

8. Respondent met with wife’s attorney, Alan Silverman, on January 20, 2004, to attempt to negotiate an agreement for respondent’s withdrawal as special master. Respondent told Mr. Silverman that a condition of any further negotiation was that wife immediately withdraw her grievance against him, in writing, and that when wife provided him with a withdrawal of her grievance, he would send his exit letter to her and husband. The exit letter would state that respondent was withdrawing for the best interests of the children and, if questioned by husband, he would tell him that husband should trust respondent and that respondent was not at liberty to disclose the reason for his withdrawal. Mr. Silverman told respondent that any waiver of grievance would have to be conditional.

9. Respondent told Mr. Silverman that wife’s demand for a conditional waiver was unreasonable and that he intended to stay on as special master.

10. It was established by clear and convincing evidence by the testimony of the Board’s experts<sup>4</sup> who testified that respondent’s conduct constituted an extreme departure from the standard of practice for a psychologist acting as a special master.

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<sup>2</sup> It does appear that wife was trying to mislead respondent, but his reaction was inappropriate.

<sup>3</sup> Respondent’s characterization of wife’s conduct as perjury was inaccurate. Wife sought an apology from respondent. Respondent claims he sent an apology to all the parties. He now realizes perjury is a crime.

<sup>4</sup> The Board had two experts: Bram Fridhandler, Ph.D., and Eugene Roeder, Ph.D.



Respondent was not treating the parties in the same manner. This was reflected in respondent's disparate treatment of the parties. Further, respondent was negotiating with wife to have her not file a complaint against him with the Board.

11. In April 2004, wife retained Frank Dougherty, Ph.D., to try to negotiate respondent's resignation as special master. Dr. Dougherty was licensed both as psychologist and as an attorney and had experience as a special master.

12. On May 14, 2004, Dr. Dougherty sent respondent a formal association of counsel form that was to be filed with the Sonoma County Superior Court; on May 18, 2004, Dr. Dougherty obtained approval from husband's lawyer to contact respondent; and on May 27, 2004, Dr. Dougherty sent respondent an endorsed copy of the association of counsel form which had been filed with the court. The form was a Notice of Limited Scope Representation which provided that Dr. Dougherty would represent wife in the dissolution matter on the limited issue of her grievance against the special master.

13. A conference call was scheduled for June 1, 2004, between respondent and the parties' attorneys to discuss wife's grievance against respondent. Respondent refused to permit Dr. Dougherty to participate in the conference call, sending an email to Mr. Silverman and husband's attorney Bruce Schwartz stating "to avoid any confusion, I expect to talk with just Alan and Bruce" and a follow-up email adding "[r]egardless of Mr. [sic] Dougherty's attorney standing in this case, I specifically requested to talk with just Bruce and Alan."

14. Because Dr. Dougherty was precluded from participating in the June 1, 2004, conference call addressing wife's grievance, the issue wife had retained him to handle, Mr. Silverman declined to participate in the conference call as well.

15. On June 1, 2004, respondent had a 1.25 hour teleconference with husband and husband's attorney about wife's grievance against respondent and the special master order.

16. On June 9, 2004, respondent sent an email to Mr. Silverman saying that "I have given several warnings and demands, I do not want any communication from or with Dr. Dougherty and I have the authority and discretion to communicate or not with any attorney in this matter, regardless of a standing of 'association' to you as attorney representing [wife]. When I can, I'm asking for a restraining order."

17. On the same day, June 9, 2004, respondent had another conference call with husband and his attorney.

18. In August 2004, Dr. Dougherty substituted into the case as wife's attorney for all purposes. The final document substituting him in was accepted by the court and filed on September 3, 2004.

19. At a hearing on January 4 and 5, 2005, in Sonoma County Superior Court respondent admitted, under oath, that he had said that he would not meet with or discuss the case with Dr. Dougherty even after he had associated into the case.

20. Respondent has consistently refused to talk to or otherwise communicate with Dr. Dougherty other than to serve him with copies of documents he files with the court. Respondent has not spoken to wife since January 13, 2004. However, respondent continues to speak to husband and husband's attorney on a regular basis up to the present.

21. The Court of Appeal commented in an unpublished opinion in the Sonoma County Case that "Although the record before us raises some concerns about Rand's ability to continue in his role as special master, those concerns do not extend to any of the substantive decisions . . . that he was authorized to resolve." The court goes on to state that: ". . . it is certainly our intention that the detailed factual summary which accompanies our decision in this case will stimulate the lower court to take a fresh look at the efficacy of its decision to continue to utilize Rand's [respondent] services in light of the seriously problematic relationship between him and [wife]." The trial court allowed respondent to continue as special master, even in the light of the comments made by the Court of Appeal.

22. It was established by clear and convincing evidence by the testimony of the Board's experts that it is necessary for a special master to be impartial and to preserve the appearance of impartiality. Respondent's conduct and disparate treatment of the parties constitutes an extreme departure from the standard of practice for a psychologist acting as a special master. Respondent was required as a special master to make all reasonable and consistent efforts to avoid the appearance of bias. Respondent did not make the appropriate effort to appear unbiased.

23. In early 2005, respondent sought representation in New Hampshire to attempt to enforce a lien against property owned by wife in New Hampshire. Respondent contacted husband to obtain his permission to call the attorney who had represented husband against wife in an Emergency Petition for Ex Parte Custody in New Hampshire. Respondent did not contact wife to ask her permission to contact or retain husband's New Hampshire attorney.

24. Respondent retained the attorney who had represented husband in the earlier action against wife. On March 29, 2005, husband's former attorney filed a Petition to Attach wife's property on respondent's behalf in the Superior Court of the State of New Hampshire seeking to collect fees from wife by enforcing a lien against wife's property in New Hampshire. Respondent's New Hampshire attorney testified that he did not believe this situation constituted a conflict of interest for him as an attorney, but he never considered whether or not it was a conflict of interest for respondent.

25. It was established by clear and convincing evidence by the testimony of the Board's experts that respondent's use of husband's attorney to file a petition for lien against wife was an extreme departure from the standard of practice for a psychologist

acting as a special master. Clearly, this action on the part of respondent demonstrates his unwillingness or inability to maintain the appearance of impartiality. Respondent did not consult anyone to determine if his action constituted a conflict of interest. In fact, the New Hampshire attorney was convinced that his representation of respondent did not constitute a conflict of interest for him (the attorney), but never thought to examine the situation from the perspective of whether or not it was a conflict of interest for respondent. Respondent did not consult an independent source, such as another forensic psychologist, to determine if his actions were appropriate. Even respondent's expert, Dr. Philip Stahl, found that respondent's conduct was unwise.

26. Husband used wife's desire to remove respondent as special master to attempt to gain an advantage in the underlying custody matters. Husband offered to agree to respondent's termination as special master if wife would agree to other terms and conditions in the custody matter. Respondent denied that he knew about this. However, it is a logical consequence arising out of the situation created by respondent's appearance of bias.

#### Orange County, Florida, Case

27. RS (father) and his ex-wife SS (mother) were divorced in 1992 and father was given sole custody of their three-year-old son. In 2004, the child was about 16 years old.

28. In 2004, mother filed suit in the Circuit Court of the Ninth Judicial Circuit, Orange County, Florida, seeking to have the custody status changed.

29. A child custody evaluation was conducted and the evaluator concluded that the child had been alienated from his mother, that it might be necessary to move the child to his mother's home, and that the child should undertake counseling with a therapist experienced in dealing with parental alienation syndrome. The child began counseling with Dr. Robert Evans, a licensed school psychologist recommended by the evaluator.

30. At a hearing before the court in November 2005, Dr. Evans testified that he believed the child needed to participate in a type of parental alienation intervention that had been designed by respondent. Dr. Evans testified that he had consulted with respondent on the case because he considered respondent to be an expert in the area of parental alienation syndrome.

31. The Florida judge telephoned respondent during the hearing, placed him under oath, and questioned him about the intervention protocol proposed by Dr. Evans and asked respondent his opinion of whether or not the child should go through the intervention process. Respondent was not testifying solely as a fact witness.

32. Respondent explained the origins of his program and described his protocol and the goals of his program for the court and in response to questioning by the



judge, agreed that it was his conclusion that the child was “severely alienated” and that “for the child’s best interest that the child’s custody be changed to the mother (permanently), and that the child go through this intervention process.” Respondent never personally interviewed the child.

33. Respondent answered direct questions from the court. He indicated that he had read the report of the evaluator and that he had spoken to the therapist. Respondent gave the judge his opinion that the child was severely alienated based on other professionals’ reports. Respondent did not explain to the court the probable impact on the reliability and validity of his opinions of his not having personally interviewed or evaluated the child.

34. The judge was not speaking hypothetically when he asked respondent his opinion. And, respondent did not answer hypothetically. Respondent made a custody recommendation without interviewing the child or the other parties to the action. It was established by clear and convincing evidence that this conduct constitutes an extreme departure from the standard of practice of a psychologist (gross negligence).

35. Respondent advised the Board in a letter dated December 12, 2006, that he had a “very peripheral involvement in this Family Law matter” and that the judge had called him at his office “for the sole purpose of inquiring about generic information pertaining to a program [that he] developed.” Respondent knew that the court had asked his opinion about the specific family law matter at issue and, if the court had ordered an intervention, it was his intent to spend one week at a retreat in upstate New York performing the intervention with the child and training the child’s current therapist in his technique.

36. In his December 12, 2006, letter to the Board, respondent stated that he had made it clear to the court that he “was not making custody recommendations and only providing generic case information.” Yet, only minutes after so advising the Florida court, he did make a custody recommendation because his intervention program required that custody be given solely to the wife. Respondent based his recommendation on the evaluation of others, and not on his own evaluation.

37. The Board’s experts determined that respondent’s role in the Florida matter was not peripheral. By testifying in this matter, under oath, respondent had a central role in the decision-making process of the court. Respondent was on his way to upstate New York to meet with the alienated child and his mother when he discovered that the judge decided not to sign the order after interviewing the child. Respondent’s attempt to minimize his role in these proceedings constitutes dishonesty.

38. Respondent’s conduct ultimately did not harm the parties directly (since the judge did not change custody solely to the mother); however, it did cause them anxiety and concern.

## Other Matters

39. Respondent understands that he could have handled matters in the Sonoma County case in a way that would have made the encounters with wife less confrontational. Respondent has been a licensed psychologist in California for over 17 years. Respondent is a Board Certified Forensic Examiner.<sup>5</sup>

## Cost Recovery

40. Cost recovery in the amount of \$11,205.12 for investigation of this matter has been requested by the Board. The Declaration adequately sets forth the work performed. That amount is reasonable.

41. Cost recovery in the amount of \$76,432.50 for the work performed by Deputy Attorney General Kerry Weisel has been requested by the Board in this matter. That amount is reduced to \$25,000. The Declaration presented by the Deputy Attorney General is not adequate to determine the reasonableness of the amount requested. It is conclusionary and includes time for opposing respondent's Petition for Writ of Prohibition filed in the Sonoma County Superior Court. Also, the Board withdrew the Fourth Cause for Discipline from the Second Amended Accusation, because it involved privileged settlement negotiations.

42. Cost recovery in the amount of \$237 for the work performed by Deputy Attorney General Thomas Reilly has been requested by the Board in this matter. That amount is reasonable. Cost recovery in the amount of \$2,054 for the work performed by Deputy Attorney General David Carr has been requested by the Board. That amount is reasonable.

## LEGAL CONCLUSIONS

### Sonoma County, California, Case

1. By reason of the matters set forth in Findings 3 through 10, cause for disciplinary action exists pursuant to Business and Professions Code sections 2960 (general unprofessional conduct), and section 2960, subdivisions (j) (gross negligence), and (k) (violating laws/regulations governing the practice of psychology). Respondent agreed to resign as special master if wife would drop her complaints against him and then stayed on as special master when she would not agree to an unconditional waiver of grievance.

2. By reason of the matter set forth in Findings 11 through 22, cause for disciplinary action exists pursuant to Business and Professions Code sections 2960 (general unprofessional conduct), and section 2960, subdivisions (j) (gross negligence), and (k) (violating laws/regulations governing the practice of psychology). From June 2004 to at least April 2008, respondent communicated with husband and his attorney by

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<sup>5</sup> This does not refer to the Board of Psychology, which does not certify specialty practice areas.



telephone, but communicated with wife only by email. Respondent refused to communicate with wife's attorney at all.

3. By reason of the matter set forth in Findings 23 through 25, cause for disciplinary action exists pursuant to Business and Professions Code sections 2960 (general unprofessional conduct), and section 2960, subdivisions (j) (gross negligence), and (k) (violating laws/regulations governing the practice of psychology). Respondent hired husband's attorney in New Hampshire to bring a lawsuit against wife.

#### Orange County, Florida, Case

4. By reason of the matters set forth in Findings 27 through 34, cause for disciplinary action exists pursuant to Business and Professions Code section 2960 (general unprofessional conduct), and 2960, subdivisions (i) (violating rule of professional conduct), (j) (gross negligence), and (k) (violating laws/regulations governing the practice of psychology), and 2936 (violating APA Code of Ethics), and the Ethical Principles of Psychologists and Code of Conduct, Ethical Standard 9.01 (bases for assessments). Respondent offered an opinion to the court about a characteristic of a child whom he had not personally interviewed or evaluated, concluding that the child was severely alienated, and made a custody recommendation concerning the child without stating the limitations of his opinion.

5. By reason of the matters set forth in Findings 35 through 37, cause for disciplinary action exists pursuant to Business and Professions Code section 2960 (general unprofessional conduct), and section 2960, subdivisions (k) (violating laws/regulations governing the practice of psychology), and (n) (dishonesty). Respondent misrepresented his role and involvement in the Florida case to the Board.

6. By reason of the matters set forth in Findings 3 through 25, and 27 through 34, cause for disciplinary action exists pursuant to Business and Professions Code section 2960, subdivision (r) (repeated negligent acts). Respondent engaged in conduct that constitutes repeated negligence. However, this is simply a repeat of the matters set forth in the other Legal Conclusions and does not constitute cause for influencing the level of the penalty in this matter.

#### Other Matters

7. The matters set forth in Findings 26, 38, and 39 have been considered in making the following order. The matters set forth in Legal Conclusions 1 through 5 have been considered in imposing a Practice/Billing Monitor.

#### Cost Recovery

8. By reason of the matters set forth in Findings 40, 41, and 42, reasonable cost recovery (as reduced) is allowed pursuant to Business and Professions Code section 125.3 in the amount of \$64,928.62. Complainant must apply the standards set forth in

*Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, including examining respondent's ability to pay and setting forth a reasonable payment schedule.

## **ORDER**

Psychology License No. PSY 12137 issued to Randy Rand is hereby revoked. However, the revocation is stayed for a period of five years upon the following terms and conditions:

1. Practice Monitor/Billing Monitor - Within 90 days of the effective date of this Decision, respondent shall submit to the Board or its designee for prior approval, the name and qualifications of a psychologist who has agreed to serve as a practice monitor/billing monitor. The monitor shall 1) be a California-licensed psychologist with a clear and current license; 2) have no prior business, professional, personal or other relationship with respondent; and 3) not be the same person as respondent's therapist. The monitor's education and experience shall be in the same field of practice as that of the respondent.

Once approved, the monitor shall submit to the Board or its designee a plan by which respondent's practice shall be monitored. Monitoring shall consist of a least one hour per week of individual face to face meetings and shall continue during the entire probationary period. The respondent shall provide the monitor with a copy of this Decision and access to respondent's fiscal and/or patient or client records.

Respondent shall obtain any necessary patient or client releases to enable the monitor to review records and to make direct contact with patients or clients. Respondent shall execute a release authorizing the monitor to divulge any information that the Board may request. It shall be respondent's responsibility to assure that the monitor submits written reports to the Board or its designee on a quarterly basis verifying that monitoring has taken place and providing an evaluation of respondent's performance.

Respondent shall notify all current and potential patients or clients of any term or condition of probation that will affect their therapy or the confidentiality of their records (such as this condition, which requires a practice monitor/billing monitor). Such notifications shall be signed by each patient or client prior to continuing or commencing treatment.

If the monitor quits or is otherwise no longer available, respondent shall notify the Board within 10 days and get approval from the Board for a new monitor within 30 days. If no new monitor is approved within 30 days, respondent shall not practice until a new monitor has been approved by the Board or its designee. During this period of non-practice, probation will be tolled and will not commence again until the period of non-practice is completed. Respondent shall pay all costs associated with this monitoring requirement. Failure to pay these costs shall be considered a violation of probation.

2. Coursework - Respondent shall take and successfully complete not less than 30 hours each year of probation in the following area(s): Forensic Psychology. Coursework must be pre-approved by the Board or its designee. All coursework shall be taken at the graduate level at an accredited educational institution or by an approved continuing education provider. Classroom attendance is specifically required; correspondence or home study coursework shall not count toward meeting this requirement. The coursework must be in addition to any continuing education courses that may be required for license renewal.

Within 90 days of the effective date of this Decision, respondent shall submit to the Board or its designee for its prior approval a plan for meeting the educational requirements. All costs of the coursework shall be paid by the respondent.

3. Ethics Course - Within 90 days of the effective date of this Decision, respondent shall submit to the Board or its designee for prior approval a course in laws and ethics as they relate to the practice of psychology. Said course must be successfully completed at an accredited educational institution or through a provider approved by the Board's accreditation agency for continuing education credit. Said course must be taken and completed within one year from the effective date of this Decision. This course must be in addition to any continuing education courses that may be required for license renewal. The cost associated with the law and ethics course shall be paid by the respondent.
4. Investigation/Enforcement Cost Recovery - Respondent shall pay to the Board its costs of investigation and enforcement in the amount of \$64,928.62 during the term of probation. The Board shall work out a payment plan with respondent pursuant to *Zuckerman v. State Board of Chiropractic Examiners*.<sup>6</sup> Such costs shall be payable to the Board of Psychology and are to be paid regardless of whether the probation is tolled. Failure to pay such costs shall be considered a violation of probation.

The filing of bankruptcy by respondent shall not relieve respondent of the responsibility to repay investigation and enforcement costs.

5. Probation Costs - Respondent shall pay the costs associated with probation monitoring each and every year of probation. Such costs shall be payable to the Board of Psychology at the end of each fiscal year (June 30). Failure to pay such costs shall be considered a violation of probation. The filing of bankruptcy by respondent shall not relieve respondent of the responsibility to repay probation monitoring costs.
6. Obey All Laws - Respondent shall obey all federal, state, and local laws and all regulations governing the practice of psychology in California including the ethical guidelines of the American Psychological Association. A full and detailed account of any and all violations of law shall be reported by the respondent to the Board or its designee in writing within seventy-two (72) hours of occurrence.

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<sup>6</sup> *Zuckerman v. State Board of Chiropractic Examiner*, *supra*, 29 Cal.4th 32.



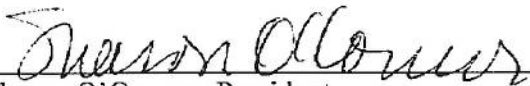
7. Quarterly Reports - Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board or its designee, stating whether there has been compliance with all the conditions of probation. Quarterly reports attesting to non-practice status are to be submitted if probation is tolled.
8. Probation Compliance - Respondent shall comply with the Board's probation program and shall, upon reasonable notice, report to the assigned Board of Psychology probation monitor. Respondent shall contact the assigned probation monitor regarding any questions specific to the probation order. Respondent shall not have any unsolicited or unapproved contact with 1) complainants associated with the case; 2) Board members or members of its staff; or 3) persons serving the Board as expert evaluators.
9. Interview with Board or Its Designee - Respondent shall appear in person for interviews with the Board or its designee upon request at various intervals and with reasonable notice.
10. Changes of Employment - Respondent shall notify the Board in writing, through the assigned probation monitor, of any and all changes of employment, location, and address within 30 days of such change.
11. Tolling for Out-of-State Practice, Residence or In-State Non-Practice - In the event respondent should leave California to reside or to practice outside the State or for any reason should respondent stop practicing psychology in California, respondent shall notify the Board or its designee in writing within ten days of the dates of departure and return or the dates of non-practice within California. Non-practice is defined as any period of time exceeding thirty days in which respondent is not engaging in any activities defined in Sections 2902 and 2903 of the Business and Professions Code. During periods of non-practice, the probationary period is tolled and respondent's license or registration shall be placed on inactive status. The probationary period will not commence again until respondent activates his license and resumes practicing psychology in the state of California. However, the Board may require respondent to complete certain terms of probation that are not associated with active practice and respondent will be required to pay cost recovery and restitution as ordered.
12. Employment and Supervision of Trainees - If respondent is licensed as a psychologist, he shall not employ or supervise or apply to employ or supervise psychological assistants, interns or trainees during the course of this probation. Any such supervisorial relationship in existence on the effective date of this probation shall be terminated by respondent and/or the Board.
13. Future Registration or Licensure - If respondent is registered as a psychological assistant or registered psychologist and subsequently obtains other psychological assistant or registered psychologist registrations or becomes licensed as a psychologist during the course of this probationary order, this Decision shall remain

registrations or licensure shall not be approved, however, unless respondent is currently in compliance with all of the terms and conditions of probation.

14. Violation of Probation - If respondent violates probation in any respect, the Board may, after giving respondent notice and the opportunity to be heard, revoke probation and carry out the disciplinary order that was stayed. If an Accusation or Petition to Revoke Probation is filed against respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final. No Petition for Modification or Termination of Probation shall be considered while there is an Accusation or Petition to Revoke Probation pending against respondent.
15. Completion of Probation - Upon successful completion of probation, respondent's license shall be fully restored.
16. License Surrender - Following the effective date of this Decision, if respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of probation, respondent may request the voluntary surrender of his license or registration. The Board of Psychology or its designee reserves the right to evaluate respondent's request and to exercise its discretion whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, respondent shall, within 15 calendar days, deliver respondent's pocket and/or wall certificate to the Board or its designee and respondent shall no longer practice psychology. Respondent will no longer be subject to the terms and conditions of probation and the surrender of respondent's license shall be deemed disciplinary action. If respondent re-applies for a psychology license or registration, the application shall be treated as a petition for reinstatement of a revoked license or registration.

This Decision shall become effective on June 28, 2009.

IT IS SO ORDERED May 29, 2009.

  
Sharon O'Connor, President  
California Board of Psychology