

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

In the Matter of the First Amended Accusation
Against:

**MARK E. COOPER, PH.D.,
P.O. BOX 1594
SOLANA BEACH, CA 92075-7594**

Psychologist License No. 14723

Respondent.

Case No. 600-2016-000862

OAH No. 2022020135

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Psychology, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 30, 2022.

It is so ORDERED June 30, 2022.



ANTONETTE SORRICK
EXECUTIVE OFFICER
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS

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Attorney General of California
2 MATTHEW M. DAVIS
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8 *Attorneys for Complainant*

9
10 **BEFORE THE**
BOARD OF PSYCHOLOGY
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
12

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Against:

14 **MARK E. COOPER, PH.D.,**
15 **P.O. BOX 1594**
SOLANA BEACH, CA 92075-7594

16 **Psychologist License No. 14723**

17 Respondent.

Case No. 600-2016-000862

OAH No. 2022020135

**STIPULATED SURRENDER OF
LICENSE AND DISCIPLINARY ORDER**

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Antonette Sorrick (Complainant) is the Executive Officer of the Board of Psychology
23 (Board). She brought this action solely in her official capacity and is represented in this matter by
24 Rob Bonta, Attorney General of the State of California, by Tessa L. Heunis, Deputy Attorney
25 General.

26 2. Mark E. Cooper, Ph.D. (Respondent) is representing himself in this proceeding and
27 has chosen not to exercise his right to be represented by counsel..

28 ////

1 **CULPABILITY**

2 8. Respondent admits the truth of each and every charge and allegation in First
3 Amended Accusation No. 600-2016-000862, agrees that cause exists for discipline and hereby
4 surrenders his Psychologist License No. 14723 for the Board's formal acceptance.

5 9. Respondent understands that by signing this stipulation he enables the Board to issue
6 an order accepting the surrender of his Psychologist License No. 14723 without further process.

7 **CONTINGENCY**

8 10. This stipulation shall be subject to approval by the Board. Respondent understands
9 and agrees that counsel for Complainant and the staff of the Board may communicate directly
10 with the Board regarding this stipulation and surrender, without notice to or participation by
11 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he
12 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board
13 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
14 the Stipulated Surrender of License and Disciplinary Order shall be of no force or effect, except
15 for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board
16 shall not be disqualified from further action by having considered this matter.

17 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
18 copies of this Stipulated Surrender of License and Disciplinary Order, including PDF and
19 facsimile signatures thereto, shall have the same force and effect as the originals.

20 12. In consideration of the foregoing admissions and stipulations, the parties agree that
21 the Board may, without further notice or formal proceeding, issue and enter the following Order:

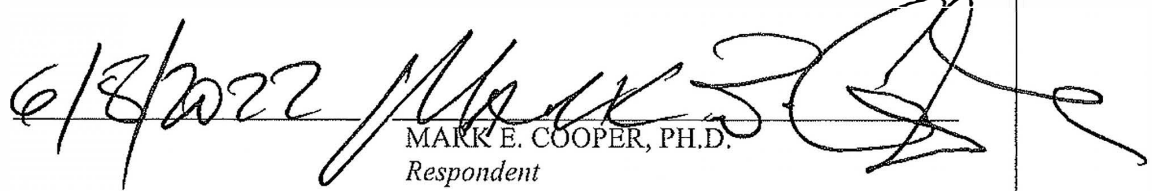
22 **ORDER**

23 IT IS HEREBY ORDERED that Psychologist License No. 14723, issued to Respondent
24 Mark E. Cooper, Ph.D., is surrendered and accepted by the Board.

25 1. The surrender of Respondent's Psychologist License No. 14723 and the acceptance of
26 the surrendered license by the Board shall constitute the imposition of discipline against
27 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
28 Respondent's license history with the Board.

1 enter into this Stipulated Surrender of License and Disciplinary Order voluntarily, knowingly, and
2 intelligently, and agree to be bound by the Decision and Order of the Board of Psychology.

3
4 DATED: 6/8/2022


MARK E. COOPER, PH.D.
Respondent

7 **ENDORSEMENT**

8 The foregoing Stipulated Surrender of License and Disciplinary Order is hereby
9 respectfully submitted for consideration by the Board of Psychology of the Department of
10 Consumer Affairs.

11 DATED: June 23, 2022

12 Respectfully submitted,

13 ROB BONTA
14 Attorney General of California
15 MATTHEW M. DAVIS
16 Supervising Deputy Attorney General



17 TESSA L. HEUNIS
18 Deputy Attorney General
19 *Attorneys for Complainant*

Exhibit A

First Amended Accusation No. 600-2016-000862

1 ROB BONTA
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2 MATTHEW M. DAVIS
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10 **BEFORE THE**
11 **BOARD OF PSYCHOLOGY**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the First Amended Accusation
Against:

Case No. 600-2016-000862

15 **MARK E. COOPER, PH.D.**
16 **PO BOX 1594**
SOLANA BEACH CA 92075-7594

FIRST AMENDED ACCUSATION

17 **Psychologist License No. 14723**

18 Respondent.

19
20 **PARTIES**

21 1. Antonette Sorrick (Complainant) brings this First Amended Accusation solely in her
22 official capacity as the Executive Officer of the Board of Psychology, Department of Consumer
23 Affairs (Board).

24 2. On or about August 7, 1996, the Board of Psychology issued Psychologist License
25 Number 14723 to Mark E. Cooper, Ph.D. (Respondent). The Psychologist License was in full
26 force and effect at all times relevant to the charges brought herein and will expire on May 31,
27 2022, unless renewed.

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1 **JURISDICTION**

2 3. This First Amended Accusation, which supersedes the Accusation filed on
3 December 17, 2021, is brought before the Board under the authority of the following laws. All
4 section references are to the Business and Professions Code (Code) unless otherwise indicated.

5 4. Section 2928 of the Code states:

6 The board shall administer and enforce this chapter [Chapter 6.6].

7 5. Section 2961 of the Code states:

8 The board may ... suspend or revoke, or impose probationary conditions upon,
9 a license or registration after a hearing as provided in Section 2965.

10 **STATUTORY PROVISIONS**

11 6. Section 2960 of the Code states:

12 The board ... may suspend or revoke the registration or license of any registrant
13 or licensee if the applicant, registrant, or licensee has been guilty of unprofessional
14 conduct. Unprofessional conduct shall include, but not be limited to:

15 (a) Conviction of a crime substantially related to the qualifications, functions
16 or duties of a psychologist or psychological assistant.

17 (b) Use of any controlled substance as defined in Division 10 (commencing
18 with Section 11000) of the Health and Safety Code, or dangerous drug, or any
19 alcoholic beverage to an extent or in a manner dangerous to himself or herself, any
20 other person, or the public, or to an extent that this use impairs his or her ability to
21 perform the work of a psychologist with safety to the public.

22 ...

23 (k) Violating any of the provisions of this chapter or regulations duly adopted
24 thereunder.

25 ...

26 7. Section 2963 of the Code states:

27 A plea or verdict of guilty or a conviction following a plea of *nolo contendere*
28 made to a charge which is substantially related to the qualifications, functions and
duties of a psychologist or psychological assistant is deemed to be a conviction within
the meaning of this article. The board may order the license suspended or revoked, or
may decline to issue a license when the time for appeal has elapsed, or the judgment
of conviction has been affirmed on appeal or when an order granting probation is
made suspending the imposition of sentence, irrespective of a subsequent order under
Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
dismissing the accusation, information or indictment.

1 8. Unprofessional conduct under Business and Professions Code section 2960 is conduct
2 which breaches the rules or ethical code of a profession, or conduct which is unbecoming a
3 member in good standing of a profession, and which demonstrates an unfitness to practice the
4 profession. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.)

5 **REGULATORY PROVISIONS**

6 9. California Code of Regulations, title 16, section 1394, states:

7 For the purposes of denial, suspension, or revocation of a license or registration
8 pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act
9 shall be considered to be substantially related to the qualifications, functions or duties
10 of a person holding a license or registration under the Psychology Licensing Law
11 (Chapter 6.6 of Division 2 of the Code), if to a substantial degree it evidences present
12 or potential unfitness of a person holding a license or registration to perform the
13 functions authorized by his or her license or registration or in a manner consistent
14 with the public health, safety, or welfare. Such crimes or acts shall include but not be
15 limited to those involving the following:

12 (a) Violating or attempting to violate, directly or indirectly, or assisting in or
13 abetting the violation of or conspiring to violate any provision or term of that law.

14 ...

15 10. California Code of Regulations, title 16, section 1395.2, states:

16 (a) In reaching a decision on a disciplinary action under the administrative
17 adjudication provisions of the Administrative Procedure Act (Government Code
18 Section 11400 et seq.), the Board of Psychology shall consider and apply the
19 "Disciplinary Guidelines and Uniform Standards related to Substance Abusing
20 Licensees (4/15)," which is hereby incorporated by reference.

21 (b) If the conduct found to be grounds for discipline involves drugs and/or
22 alcohol, the licensee shall be presumed to be a substance-abusing licensee for
23 purposes of section 315 of the Code. If the licensee does not rebut that presumption,
24 in addition to any and all other relevant terms and conditions contained in the
25 Disciplinary Guidelines, the terms and conditions that incorporate the Uniform
26 Standards Related to Substance Abusing Licensees shall apply as written and be used
27 in the order placing the license on probation.

28 (c) Deviation from the Disciplinary Guidelines, including the standard terms of
probation, is appropriate where the Board of Psychology in its sole discretion
determines that the facts of the particular case warrant such a deviation; for example:
the presence of mitigating or aggravating factors; the age of the case; or evidentiary
issues.

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1 **COST RECOVERY**

2 11. Business and Professions Code section 125.3 states that:

3 (a) Except as otherwise provided by law, in any order issued in resolution of a
4 disciplinary proceeding before any board within the department ... upon request of
5 the entity bringing the proceeding, the administrative law judge may direct a licensee
6 found to have committed a violation or violations of the licensing act to pay a sum not
7 to exceed the reasonable costs of the investigation and enforcement of the case.

8 ...

9 (c) A certified copy of the actual costs, or a good faith estimate of costs where
10 actual costs are not available, signed by the entity bringing the proceeding or its
11 designated representative shall be prima facie evidence of reasonable costs of
12 investigation and prosecution of the case. The costs shall include the amount of
13 investigative and enforcement costs up to the date of the hearing, including, but not
14 limited to, charges imposed by the Attorney General.

15 ...

16 (i) Nothing in this section shall preclude a board from including the recovery of
17 the costs of investigation and enforcement of a case in any stipulated settlement.

18 ...

19 12. Section 2964.6 of the Code states:

20 An administrative disciplinary decision that imposes terms of probation may
21 include, among other things, a requirement that the licensee who is being placed on
22 probation pay the monetary costs associated with monitoring the probation.

23 **FACTUAL ALLEGATIONS**

24 July 21, 2019:

25 13. On or about July 21, 2019, at or about 10:08 p.m., Respondent was stopped by an
26 Officer of the San Diego Police Department (SDPD) at or near 6400 El Cajon Boulevard. After
27 being evaluated, Respondent was arrested for driving under the influence of alcohol. At SDPD
28 headquarters, Respondent elected to take the chemical breath test and was found to have a blood
alcohol concentration (BAC) of .169 percent at 11:21 p.m. and .172 percent at 11:24 p.m.

14. On or about August 15, 2019, a misdemeanor complaint was filed against Respondent
in the case of *People of the State of California v. Mark Cooper*, Superior Court of California,
County of San Diego, Central Division, Case No. M261244, charging him with the following
violations: Count 1, VC section 23152(a), driving under the influence of alcohol or drugs;
Count 2, VC section 23152(b), driving a vehicle with 0.08 percent or more, by weight, of alcohol

1 in his blood; Count 3, VC section 14601.1(a), driving a motor vehicle on a suspended license; and
2 Count 4, VC section 12500(a), driving a motor vehicle without a valid California driver's license.

3 15. On or about November 22, 2019, Respondent pleaded guilty to Count 2, driving a
4 vehicle with 0.08 percent or more, by weight, of alcohol in his blood, in violation of VC section
5 23152(b). On the same date, Respondent was convicted on his plea of guilty. Respondent was
6 placed on summary probation with the imposition of sentence suspended for three (3) years on
7 various terms and conditions.

8 May 18, 2020:

9 16. On or about May 18, 2020, at or about 5:45 p.m., Respondent was denied the
10 purchase of alcohol at a convenience store. He was seen getting into his motor vehicle and
11 driving away and was reported to the Oceanside Police Department (OPD). An Officer of the
12 OPD found Respondent in his vehicle at a nearby liquor store. After being evaluated, the
13 Respondent was arrested for driving under the influence of alcohol.

14 17. A blood sample was obtained from Respondent for forensic analysis, and found to
15 have a BAC of .35 percent.

16 18. On or about June 26, 2020, a misdemeanor complaint was filed against Respondent in
17 the case of *People of the State of California v. Mark Cooper*, Superior Court of California,
18 County of San Diego, North County Division, Case No. CN414957, charging him with the
19 following violations: Count 1, VC section 23152(a), driving under the influence of alcohol or
20 drugs; and Count 2, VC section 23152(b), driving a vehicle with 0.08 percent or more, by weight,
21 of alcohol in his blood, with the added allegation that the Respondent's blood alcohol
22 concentration was 0.15 percent or more within the meaning of VC section 23578.

23 19. On or about September 22, 2021, Respondent pleaded guilty to Count 2, driving a
24 vehicle with 0.08 percent or more, by weight, of alcohol in his blood, in violation of VC section
25 23152(b) while having a prior conviction of VC section 23152(b), and with a BAC of more than
26 .15%. On the same date, Respondent was convicted on his plea of guilty.

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1 20. On or about December 14, 2021, Respondent was committed to the custody of the
2 Sheriff for ninety (90) days, to be served consecutive to the sentence imposed in Case No.
3 CN416903, below.

4 June 26, 2020:

5 21. On or about June 26, 2020, at approximately 11:00 a.m., a complaint of reckless
6 driving in the area of Oceanside Boulevard and South Coast Highway was made to OPD. The
7 make, model and registration number of the vehicle was provided by the caller, and subsequently
8 found parked in front of a liquor store on South Coast Highway.

9 22. Respondent was found seated in the driver's seat, unconscious but breathing. He was
10 contacted by an Officer of the OPD and, after being awoken, was unable to stand or walk.

11 23. A blood sample was obtained from Respondent for forensic analysis, and found to
12 have a BAC of .48 percent.

13 24. On or about September 3, 2020, a misdemeanor complaint was filed against
14 Respondent in the case of *People of the State of California v. Mark Cooper*, Superior Court of
15 California, County of San Diego, North County Division, Case No. CN416903, charging him
16 with the following violations: Count 1, VC section 23152(a), driving under the influence of
17 alcohol or drugs; Count 2, VC section 23152(b), driving a vehicle with 0.08 percent or more, by
18 weight, of alcohol in his blood; and Count 3, VC section 14601.2(a), driving a motor vehicle on a
19 license that had been suspended for a prior DUI conviction. Both Count 1 and Count 2 had the
20 added allegations that the Respondent's blood alcohol concentration was 0.15 percent or more
21 within the meaning of VC section 23578, and that he had a DUI conviction within the prior 10
22 years within the meaning of VC sections 23626 and 23540.

23 25. On or about September 22, 2021, Respondent pleaded guilty to Count 2, driving a
24 vehicle with 0.08 percent or more, by weight, of alcohol in his blood, in violation of VC section
25 23152(b) while having a prior conviction of VC section 23152(b), and with a BAC of more than
26 .15%. On the same date, Respondent was convicted on his plea of guilty.

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1 26. On or about December 14, 2021, Respondent was committed to the custody of the
2 Sheriff for ninety (90) days, to be served consecutive to the sentence imposed in Case No.
3 CN420726, below.

4 October 4, 2020:

5 27. On or about October 4, 2020, at approximately 10:48 p.m., OPD received a report of
6 a man who was passed out behind the wheel of his vehicle with the engine running. An officer
7 from the OPD contacted Respondent in his motor vehicle. The engine was off and the key was in
8 the ignition. Respondent was arrested for a suspected DUI.

9 28. A blood sample was obtained from Respondent for forensic analysis, and found to
10 have a BAC of .46 percent.

11 29. On or about January 4, 2021, a misdemeanor complaint was filed against Respondent
12 in the case of *People of the State of California v. Mark Cooper*, Superior Court of California,
13 County of San Diego, North County Division, Case No. CN420726, charging him with the
14 following violations: Count 1, VC section 23152(a), driving under the influence of alcohol or
15 drugs; Count 2, VC section 23152(b), driving a vehicle with 0.08 percent or more, by weight, of
16 alcohol in his blood; Count 3, VC 14601.2(a), driving a motor vehicle on a license that had been
17 suspended for a prior DUI conviction. Both Count 1 and Count 2 had the added allegations that
18 Respondent's blood alcohol concentration was 0.15 percent or more within the meaning of
19 VC section 23578, and that he had a DUI conviction within the prior 10 years within the meaning
20 of VC sections 23626 and 23540.

21 30. On or about September 22, 2021, Respondent pleaded guilty to Count 2, driving a
22 vehicle with 0.08 percent or more, by weight, of alcohol in his blood, in violation of VC section
23 23152(b) while having a prior conviction of VC section 23152(b), and with a BAC of more than
24 .15%. On the same date, Respondent was convicted on his plea of guilty.

25 31. On or about December 14, 2021, the Respondent was committed to the custody of the
26 Sheriff for four (4) days and placed on formal probation for five (5) years on various terms and
27 conditions.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 (Conviction of a Crime)

3 32. Respondent is subject to disciplinary action under section 2960, as defined by section
4 2960, subdivision (a), of the Code, in that he was convicted of a crime substantially related to the
5 qualifications, functions or duties of a psychologist, as more particularly alleged in paragraphs 13
6 through 15, above, which are hereby re-alleged and incorporated by reference as if fully set forth
7 herein.

8 **SECOND CAUSE FOR DISCIPLINE**

9 (Conviction of a Crime)

10 33. Respondent is subject to disciplinary action under section 2960, as defined by section
11 2960, subdivision (a), of the Code, in that he was convicted of a crime substantially related to the
12 qualifications, functions or duties of a psychologist, as more particularly alleged in paragraphs 16
13 through 20, above, which are hereby re-alleged and incorporated by reference as if fully set forth
14 herein.

15 **THIRD CAUSE FOR DISCIPLINE**

16 (Conviction of a Crime)

17 34. Respondent is subject to disciplinary action under section 2960, as defined by section
18 2960, subdivision (a), of the Code, in that he was convicted of a crime substantially related to the
19 qualifications, functions or duties of a psychologist, as more particularly alleged in paragraphs 21
20 through 26, above, which are hereby re-alleged and incorporated by reference as if fully set forth
21 herein.

22 **FOURTH CAUSE FOR DISCIPLINE**

23 (Conviction of a Crime)

24 35. Respondent is subject to disciplinary action under section 2960, as defined by section
25 2960, subdivision (a), of the Code, in that he was convicted of a crime substantially related to the
26 qualifications, functions or duties of a psychologist, as more particularly alleged in paragraphs 27
27 through 31, above, which are hereby re-alleged and incorporated by reference as if fully set forth
28 herein.

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FIFTH CAUSE FOR DISCIPLINE

(Use of an Alcoholic Beverage to an Extent or in a Manner Dangerous to Himself or to Another Person, or to the Public)

36. Respondent is further subject to disciplinary action under section 2960, as defined by section 2960, subdivision (b), of the Code, in that he used an alcoholic beverage to an extent or in a manner dangerous to himself, any other person, or the public, as more particularly alleged in paragraphs 13 through 15, above, which are hereby re-alleged and incorporated by reference as if fully set forth herein.

SIXTH CAUSE FOR DISCIPLINE

(Use of an Alcoholic Beverage to an Extent or in a Manner Dangerous to Himself or to Another Person, or to the Public)

37. Respondent is further subject to disciplinary action under section 2960, as defined by section 2960, subdivision (b), of the Code, in that he used an alcoholic beverage to an extent or in a manner dangerous to himself, any other person, or the public, as more particularly alleged in paragraphs 16 through 20, above, which are hereby re-alleged and incorporated by reference as if fully set forth herein.

SEVENTH CAUSE FOR DISCIPLINE

(Use of an Alcoholic Beverage to an Extent or in a Manner Dangerous to Himself or to Another Person, or to the Public)

38. Respondent is further subject to disciplinary action under section 2960, as defined by section 2960, subdivision (b), of the Code, in that he used an alcoholic beverage to an extent or in a manner dangerous to himself, any other person, or the public, as more particularly alleged in paragraphs 21 through 26, above, which are hereby re-alleged and incorporated by reference as if fully set forth herein.

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1 **EIGHTH CAUSE FOR DISCIPLINE**

2 (Use of an Alcoholic Beverage to an Extent or in a Manner
3 Dangerous to Himself or to Another Person, or to the Public)

4 39. Respondent is further subject to disciplinary action under section 2960, as defined by
5 section 2960, subdivision (b), of the Code, in that he used an alcoholic beverage to an extent or in
6 a manner dangerous to himself, any other person, or the public, as more particularly alleged in
7 paragraphs 27 through 31, above, which are hereby re-alleged and incorporated by reference as if
8 fully set forth herein.

9 **NINTH CAUSE FOR DISCIPLINE**

10 (General Unprofessional Conduct)

11 40. Respondent is further subject to disciplinary action under section 2960 in that he has
12 engaged in conduct which breaches the rules or ethical code of the profession of a psychologist,
13 or conduct that is unbecoming to a member in good standing of the profession of a psychologist,
14 and which demonstrates an unfitness to practice psychology, as more particularly alleged
15 hereinafter.

16 41. Paragraphs 13 through 39, above, are hereby incorporated by reference and realleged
17 as if fully set forth herein.

18 42. On or about August 16, 2018, in the case of *People of the State of California v. Mark*
19 *Cooper*, Superior Court of California, County of San Diego, Central Division, Case No.
20 CN389421, Respondent pleaded guilty to one count of Penal Code section 166, subdivision
21 (c)(1), acknowledging that he had “knowingly, willfully and unlawfully violated a court order to
22 stay away from his estranged wife’s residence.” He was convicted on his plea of guilty and was
23 sentenced to three (3) years’ summary probation, on terms and conditions.

24 **TENTH CAUSE FOR DISCIPLINE**

25 (Violation of a Provision of the Psychology Licensing Act)

26 43. Respondent is further subject to disciplinary action under section 2960, as defined by
27 section 2960, subdivision (k), of the Code, in that he violated one or more provisions of the
28 Psychology Licensing Act or regulations duly adopted thereunder, as more particularly alleged in

1 paragraphs 13 through 42, above, which are hereby re-alleged and incorporated by reference as if
2 fully set forth herein.

3 **PRAYER**

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board of Psychology issue a decision:

- 6 1. Revoking or suspending Psychologist License Number 14723, issued to Respondent
7 Mark E. Cooper, Ph.D.;
- 8 2. Ordering Respondent Mark E. Cooper, Ph.D., to pay the Board of Psychology the
9 reasonable costs of the investigation and enforcement of this case, and, if placed on probation, the
10 costs of probation monitoring; and,
- 11 3. Taking such other and further action as deemed necessary and proper.

12
13 DATED: May 5, 2022

14 
15 ANTONETTE SORRICK
16 Executive Officer
17 Board of Psychology
18 Department of Consumer Affairs
19 State of California
20 Complainant