

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


In the Matter of the Accusation Against:	)	Case No. 600-2015-000322
	)	
<b>REX BIERLEY, PhD</b>	)	
	)	
12 Palisades Drive	)	
Daly City, CA 94015	)	
	)	
Psychologist License No. PSY 11981	)	
	)	
Respondent.	)	
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**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 August 24, 2017

It is so ORDERED July 25, 2017

  
\_\_\_\_\_  
ANTONETTE SORRICK  
EXECUTIVE OFFICER  
BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS

1 XAVIER BECERRA  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 DAVID CARR  
Deputy Attorney General  
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*Attorneys for Complainant*

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

10 In the Matter of the Accusation Against:

Case No. 600-2015-000322

11 **REX BIERLEY, Ph.D.**

12 12 Palisades Drive  
13 Daly City, CA 94015

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

14 Psychologist License No. PSY 11981

15 Respondent.

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17  
18 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
19 interest and the responsibility of the Board of Psychology of the Department of Consumer  
20 Affairs, the parties hereby agree to the following Stipulated Surrender and Disciplinary Order  
21 which will be submitted to the Board for approval and adoption as the final disposition of the  
22 Accusation.

23 PARTIES

24 1. Antonette Sorrick (Complainant) is the Executive Officer of the Board of Psychology  
25 (Board). She brought this action solely in her official capacity and is represented in this matter by  
26 Xavier Becerra, Attorney General of the State of California, by David Carr, Deputy Attorney  
27 General.

1           2.    Rex Bierley, Ph.D., is represented in this proceeding by attorney Trevor Zink, Esq., of  
2   Omni Law Group LLP, 1940 Hamilton Ave., San Jose, CA 95125.

3           3.    On March 4, 1991, the Board issued Psychologist License No. PSY 11981 to Rex  
4   Bierley, Ph.D. (Respondent). The Psychologist License expired on October 31, 2016, and has not  
5   been renewed.

6   JURISDICTION

7           4.    Accusation No. 600-2015-000322 was filed before the (Board), and is currently  
8   pending against Respondent. The Accusation and all other statutorily required documents were  
9   properly served on Respondent on June 1, 2017. Respondent timely filed his Notice of Defense  
10   contesting the Accusation. A copy of Accusation No. 600-2015-000322 is attached as Exhibit A  
11   and incorporated by reference.

12   ADVISEMENT AND WAIVERS

13          5.    Respondent has carefully read, fully discussed with counsel, and understands the  
14   charges and allegations in Accusation No. 600-2015-000322. Respondent also has carefully read,  
15   fully discussed with counsel, and understands the effects of this Stipulated Surrender of License  
16   and Order.

17          6.    Respondent is fully aware of his legal rights in this matter, including the right to a  
18   hearing on the charges and allegations in the Accusation; the right to confront and cross-examine  
19   the witnesses against him; the right to present evidence and to testify on his own behalf; the right  
20   to the issuance of subpoenas to compel the attendance of witnesses and the production of  
21   documents; the right to reconsideration and court review of an adverse decision; and all other  
22   rights accorded by the California Administrative Procedure Act and other applicable laws.

23          7.    Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
24   every right set forth above.

25   CULPABILITY

26          8.    Respondent understands that the charges and allegations in Accusation No. 600-2015-  
27   000322, if proven at a hearing, constitute cause for imposing discipline upon his Psychologist  
28   License.

1 9. For the purpose of resolving the Accusation without the expense and uncertainty of  
2 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual  
3 basis for the charges in the Accusation and that those charges constitute cause for discipline.  
4 Respondent hereby gives up his right to contest that cause for discipline exists based on those  
5 charges.

6 10. Respondent understands that by signing this stipulation he enables the Board to issue  
7 an order accepting the surrender of his Psychologist License without further process.

8 RESERVATION

9 11. The admissions made by Respondent herein are only for the purposes of this  
10 proceeding, or any other proceedings in which the Board of Psychology or other professional  
11 licensing agency is involved, and shall not be admissible in any other criminal or civil  
12 proceeding.

13 CONTINGENCY

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

23 13. The parties understand and agree that Portable Document Format (PDF) and facsimile  
24 copies of this Stipulated Surrender of License and Order, including Portable Document Format  
25 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

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ORDER

IT IS HEREBY ORDERED that Psychologist License No. PSY 11981, issued to Respondent Rex Bierley, Ph.D., is surrendered and accepted by the Board of Psychology.

1. The surrender of Respondent's Psychologist License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board of Psychology.

2. Respondent shall lose all rights and privileges as a psychologist in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 600-2015-000322 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. Respondent may not petition for reinstatement of a surrendered license for three (3) years from the effective date of this Decision. If the Board grants future reinstatement, Respondent agrees to reimburse the Board for its costs of investigation and enforcement of this matter in the amount of \$6,028.00, payable to the Board upon the effective date of such reinstatement decision.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 600-2015-000322 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

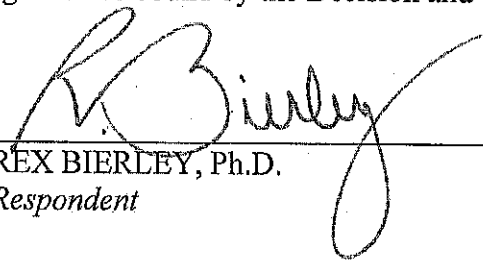
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ACCEPTANCE

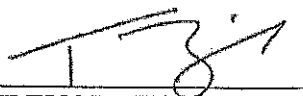
I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Trevor Zink, Esq. I understand the stipulation and the effect it will have on my Psychologist License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Psychology.

DATED: 7/5/2017

  
REX BIERLEY, Ph.D.  
*Respondent*

I have read and fully discussed with Respondent Rex Bierley, Ph.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 7-5-2017


  
TREVOR ZINK, Esq.  
*Attorney for Respondent*

ENDORSEMENT

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

Dated: July 11, 2017

Respectfully submitted,  
XAVIER BECERRA  
Attorney General of California  
JANE ZACK SIMON  
Supervising Deputy Attorney General

  
DAVID CARR  
Deputy Attorney General  
*Attorneys for Complainant*

**Exhibit A**

**Accusation No. 600-2015-000322**

1 XAVIER BECERRA  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 DAVID CARR  
Deputy Attorney General  
4 State Bar No. 131672  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-5538  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant.*

FILED  
STATE OF CALIFORNIA  
BOARD OF PSYCHOLOGY  
SACRAMENTO, June 1, 2017  
BY [Signature]

7  
8 **BEFORE THE**  
9 **BOARD OF PSYCHOLOGY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 600-2015-000322

13 **REX BIERLEY, Ph.D.**

14 12 Palisades Drive  
15 Daly City, CA 94015

**A C C U S A T I O N**

16 Psychologist License No. PSY 11981

Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

- 20 1. Antonette Sorrick ("Complainant") brings this Accusation solely in her official  
21 capacity as the Executive Officer of the Board of Psychology, Department of Consumer Affairs.  
22 2. On March 4, 1991, the Board of Psychology issued Psychologist License Number  
23 PSY 11981 to Rex Bierley, Ph.D. ("Respondent"). The Psychologist License expired on October  
24 31, 2016, and has not been renewed.

25 **JURISDICTION**

- 26 3. This Accusation is brought before the Board of Psychology ("Board"), Department of  
27 Consumer Affairs, under the authority of the following laws. All section references are to the  
28 Business and Professions Code unless otherwise indicated.



1           4.    Section 2920.1 makes public protection the highest priority for the Board.

2           5.    Section 2936 requires that the Board apply the Ethical Principles of Psychologists and  
3 Code of Conduct of the American Psychological Association as the standard of ethical conduct  
4 for psychologists in California.

5           A.    Section 3.05 of the Ethical Principles of Psychologists and Code of Conduct  
6 forbids psychologists from entering into multiple relationships "if the multiple  
7 relationship could reasonably be expected to impair the psychologist's objectivity,  
8 competence, or effectiveness...."

9           B.    Section 3.08 of the Ethical Principles of Psychologists and Code of Conduct  
10 states, in relevant part: "Psychologists do not exploit persons over whom they  
11 have supervisory, evaluative, or other authority, such as clients/patients, students,  
12 supervisees...."

13          C.    Section 7.07 of the Ethical Principles of Psychologists and Code of Conduct  
14 states: "Psychologists do not engage in sexual relationships with students or  
15 supervisees who are in their department, agency, or training center or over whom  
16 psychologists have or are likely to have evaluative authority."

17          6.    Section 2960 of the Code states:

18           "The board may refuse to issue any registration or license, or may issue a registration or  
19 license with terms and conditions, or may suspend or revoke the registration or license of any  
20 registrant or licensee if the applicant, registrant, or licensee has been guilty of unprofessional  
21 conduct. Unprofessional conduct shall include, but not be limited to:

22           "(a) Conviction of a crime substantially related to the qualifications, functions or duties of  
23 a psychologist or psychological assistant.

24           "(b) Use of any controlled substance as defined in Division 10 (commencing with Section  
25 11000) of the Health and Safety Code, or dangerous drug, or any alcoholic beverage to an extent  
26 or in a manner dangerous to himself or herself, any other person, or the public, or to an extent that  
27 this use impairs his or her ability to perform the work of a psychologist with safety to the public.

28

1           "(c) Fraudulently or neglectfully misrepresenting the type or status of license or  
2 registration actually held.

3           "(d) Impersonating another person holding a psychology license or allowing another person  
4 to use his or her license or registration.

5           "(e) Using fraud or deception in applying for a license or registration or in passing the  
6 examination provided for in this chapter.

7           "(f) Paying, or offering to pay, accepting, or soliciting any consideration, compensation, or  
8 remuneration, whether monetary or otherwise, for the referral of clients.

9           "(g) Violating Section 17500.

10          "(h) Willful, unauthorized communication of information received in professional  
11 confidence.

12          "(i) Violating any rule of professional conduct promulgated by the board and set forth in  
13 regulations duly adopted under this chapter.

14          "(j) Being grossly negligent in the practice of his or her profession.

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

16          "(l) The aiding or abetting of any person to engage in the unlawful practice of psychology.

17          "(m) The suspension, revocation or imposition of probationary conditions by another state  
18 or country of a license or certificate to practice psychology or as a psychological assistant issued  
19 by that state or country to a person also holding a license or registration issued under this chapter  
20 if the act for which the disciplinary action was taken constitutes a violation of this section.

21          "(n) The commission of any dishonest, corrupt, or fraudulent act.

22          "(o) Any act of sexual abuse, or sexual relations with a patient or former patient within two  
23 years following termination of therapy, or sexual misconduct that is substantially related to the  
24 qualifications, functions or duties of a psychologist or psychological assistant or registered  
25 psychologist.

26          "(p) Functioning outside of his or her particular field or fields of competence as established  
27 by his or her education, training, and experience.

28

1 "(q) Willful failure to submit, on behalf of an applicant for licensure, verification of  
2 supervised experience to the board.

3 "(r) Repeated acts of negligence."

4 7. California Code of Regulations (CCR) section 1387.1 delineates the responsibilities  
5 of psychologists acting as primary supervisors of student trainees.

6 A. Subdivision (j) of section 1387.1 states that supervisors "shall have no familial,  
7 intimate, business or other relationship with the trainee which could compromise  
8 the supervisor's effectiveness and/or which would violate the Ethical Principles  
9 and Code of Conduct of the American Psychological Association."

10 B. Subdivision (l) of section 1387.1 provides: "Primary supervisors shall not exploit  
11 trainees or engage in sexual relationships or any other sexual contact with  
12 trainees."

13 8. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
14 administrative law judge to direct a licentiate found to have committed a violation or violations of  
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
16 enforcement of the case.

17 9. Section 2964.6 of the Code provides that an administrative disciplinary decision that  
18 imposes terms of probation may include a requirement that the licensee pay the costs of  
19 monitoring the probation.

20 10. The incidents described herein occurred within the State of California.

21  
22 FIRST CAUSE FOR DISCIPLINE

23 (Sexual Misconduct)

24 11. Respondent is subject to disciplinary action under section 2960(o) in that he  
25 committed acts of sexual misconduct substantially related to the qualifications, functions or duties  
26 of a psychologist. The circumstances are as follows:

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1           12. A.B.<sup>1</sup> was a fourth year student working on a doctorate in psychology when she was  
2 admitted to a one year practicum at a Kaiser Permanente facility where Respondent was  
3 employed as a supervisor in the psychology department. Respondent accepted A.B. into the  
4 program as his supervisee in the fall of 2014. Respondent was aware of the ethical restrictions of  
5 the supervisor/supervisee relationship, as evidenced by an October 14, 2014 e-mail he wrote to  
6 A.B., declining her offer of a walk on the beach: "It would undoubtedly be fun, but recall the  
7 rules on dual relationship. That friendship will have to wait until much later in your career."

8           13. The e-mail and text communications between Respondent and A.B. grew in number  
9 and became increasingly intimate. In an e-mail on February 1, 2015, Respondent stated that he  
10 likes to think about A.B. taking a shower. A week later, Respondent wrote: "My only fear  
11 involves professional consequences, including the possibility of being fired and losing my  
12 license." Despite that justified concern, over the next two months the written communication  
13 between Respondent and A. B. became more explicit and sexual: Respondent asked about details  
14 of her sexual history and refers to his state of sexual excitement when texting her. In February  
15 and March of 2015, Respondent and A.B. met at his home and hers and engaged in physical  
16 intimacy which included Respondent's touching A.B.'s breasts and buttocks and placing A.B.'s  
17 hand on his clothed penis. Respondent gave A.B. presents and offered to buy her jewelry and  
18 lingerie. A.B. stated to Board investigators that Respondent's conduct made her confused and  
19 uncomfortable. Respondent continued to act as A.B.'s supervisor in the psychology practicum  
20 during this time.

21           14. On March 11, 2015, A.B. told her therapist about the relationship; the following day  
22 A.B. informed her graduate school. The school terminated A.B.'s practicum with Respondent  
23 and informed Respondent's employer of the relationship.

24           15. Respondent has subjected his license to disciplinary action under section 2960(o) for  
25 engaging in sexual misconduct substantially related to the qualifications, functions, or duties of a  
26 psychologist.

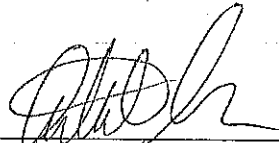
27           <sup>1</sup> The student trainee is identified herein by the letters "A.B." to preserve confidentiality.  
28 The student trainee's identity is known to Respondent and will be provided in discovery.



1           2.     Ordering Rex Bierley, Ph.D. to pay the Board of Psychology the reasonable costs of  
2 the investigation and enforcement of this case, and, if placed on probation, the costs of probation  
3 monitoring; and,

4           3.     Taking such other and further action as deemed necessary and proper.  
5  
6

7  
8 DATED:     June 1, 2017



9 ANTONETTE SORRICK  
10 Executive Officer  
11 Board of Psychology  
12 Department of Consumer Affairs  
13 State of California  
14 *Complainant*  
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