

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

IN THE MATTER OF: RICHARD A.
MARKSBURY, PH.D.

NO. 2021 CW 0420

VERSUS

LOUISIANA STATE BOARD OF
EXAMINERS OF PSYCHOLOGISTS

OCTOBER 12, 2021

In Re: Louisiana State Board of Examiners of Psychologists,
applying for supervisory writs, 19th Judicial District
Court, Parish of East Baton Rouge, No. 682294.


BEFORE: McCLENDON, WELCH, AND THERIOT, JJ.

WRIT GRANTED. The portion of the district court's November 17, 2020 judgment denying the exception of no right of action filed by the defendant, Louisiana State Board of Examiners of Psychologists ("the Board"), is reversed. La. R.S. 37:2353 gives the Board exclusive authority to revoke and suspend its members' licenses. The plaintiff, Richard A. Marksbury, Ph.D., is not a party to the Board's action, nor is he a licensee of the Board. Further, the plaintiff has not shown his claim to be separate and distinct from the interest of the public at large such that he would be entitled to judicial review. See Bond v. Louisiana State Bd. of Examiners of Psychologists, 2009-1735 (La. App. 1st Cir. 6/11/10), 2010 WL 2342755, *1 (unpublished). Therefore, we find that the plaintiff, Richard A. Marksbury, Ph.D., does not have a right of action herein. Accordingly, the exception of no right of action filed by the defendant is granted, and this matter is dismissed. We pretermitt discussion of the exception of no cause of action as moot.

PMc
MRT

Welch, J., concurs in the result.

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DEPUTY CLERK OF COURT
FOR THE COURT