

1 **BEFORE THE ARIZONA BOARD**
2 **OF BEHAVIORAL HEALTH EXAMINERS**

3 **In the Matter of:**

4 **Joseph E. Dunbar, LASAC-15385**
5 **Licensed Associate Substance Abuse**
6 **Counselor,**
7 **In the State of Arizona.**

8 **RESPONDENT**

CASE NO. 2022-0074
CONSENT AGREEMENT
FOR VOLUNTARY SURRENDER

9 In the interest of a prompt and speedy settlement of the above captioned matter,
10 consistent with the public interest, statutory requirements and responsibilities of the Arizona
11 State Board of Behavioral Health Examiners ("Board"), and pursuant to A.R.S. §§ 32-3281(F)
12 and 41-1092.07(F)(5), Joseph E. Dunbar ("Respondent") and the Board enter into this Consent
13 Agreement, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final
14 disposition of this matter.

15 **RECITALS**

16 Respondent understands and agrees that:

17 1. Any record prepared in this matter, all investigative materials prepared or
18 received by the Board concerning the allegations, and all related materials and exhibits may be
19 retained in the Board's file pertaining to this matter.

20 2. Respondent has the right to a formal administrative hearing at which Respondent
21 can present evidence and cross examine the State's witnesses. Respondent hereby irrevocably
22 waives their right to such formal hearing concerning these allegations and irrevocably waives
23 their right to any rehearing or judicial review relating to the allegations contained in this Consent
24 Agreement.

25 ...

1 3. Respondent has the right to consult with an attorney prior to entering into this
2 Consent Agreement.

3 4. Respondent acknowledges and agrees that upon signing this Consent
4 Agreement and returning it to the Board's Executive Director, Respondent may not revoke their
5 acceptance of this Consent Agreement or make any modifications to it. Any modification of this
6 original document is ineffective and void unless mutually approved by the parties in writing.

7 5. The findings contained in the Findings of Fact portion of this Consent Agreement
8 are conclusive evidence of the facts stated herein between only Respondent and the Board for
9 the final disposition of this matter and may be used for purposes of determining sanctions in any
10 future disciplinary matter.

11 6. This Consent Agreement is subject to the Board's approval, and will be effective
12 only when the Board accepts it. In the event the Board in its discretion does not approve this
13 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,
14 nor shall it be relied upon or introduced in any disciplinary action by any party hereto, except
15 that Respondent agrees that should the Board reject this Consent Agreement and this case
16 proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by its
17 review and discussion of this document or of any records relating thereto.

18 7. Respondent acknowledges and agrees that the acceptance of this Consent
19 Agreement is solely to settle this Board matter and does not preclude the Board from instituting
20 other proceedings as may be appropriate now or in the future. Furthermore, and
21 notwithstanding any language in this Consent Agreement, this Consent Agreement does not
22 preclude in any way any other state agency or officer or political subdivision of this state from
23 instituting proceedings, investigating claims, or taking legal action as may be appropriate now or
24 in the future relating to this matter or other matters concerning Respondent, including but not

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1 limited to violations of Arizona's Consumer Fraud Act. Respondent acknowledges that, other
2 than with respect to the Board, this Consent Agreement makes no representations, implied or
3 otherwise, about the views or intended actions of any other state agency or officer or political
4 subdivision of the state relating to this matter or other matters concerning Respondent.

5 8. Respondent understands that once the Board approves and signs this Consent
6 Agreement, it is a public record that may be publicly disseminated as a formal action of the
7 Board, and that it shall be reported as required by law to the National Practitioner Data Bank.

8 **FINDINGS OF FACT**

9 1. Respondent is the holder of License No. LASAC-15385 for the practice of
10 substance abuse counseling in the State of Arizona.

11 2. On 11/04/21, the Board received a complaint alleging Respondent made
12 inappropriate, sexual in nature comments to multiple adult female clients at a behavioral health
13 agency ("Agency").

14 3. Client A.K. ("A.K.") reported the following to Agency:

- 15 a. Respondent asked A.K. if her breasts were real.
- 16 b. Respondent asked A.K. what type of sex and sexual positions she likes.
- 17 c. Respondent told A.K. she had a sexy mind.

18 4. Client V.W. ("V.W.") reported the following to Agency:

- 19 a. Respondent asked V.W. if she has had sex over the past four years and who
20 had been taking care of her sexual needs.
- 21 b. Respondent asked V.W. is she masturbates and the last time someone gave
22 V.W. a hug or massage.

23 5. Client S.P. ("S.P.") reported the following to Agency:

- 24 a. Respondent called S.P. beautiful in two sessions.

25

1 b. Respondent asked S.P. if she masturbates and told S.P. she should look for
2 a boyfriend since she is so beautiful.

3 6. On 11/03/21, Respondent was involuntarily terminated from Agency due to
4 unprofessional and unethical conduct.

5 7. Only after this Board complaint was filed did Board staff become aware of
6 numerous different employments that Respondent never notified the Board of along with
7 numerous employments he was in fact terminated from.

8 8. On 07/07/20, Respondent applied for his LASAC with the Board, which would
9 limit his scope of practice to substance abuse counseling only.

10 9. Respondent represented the following within his LASAC application with the
11 Board:

12 a. In 04/15, he resigned in lieu of termination from Jewish Family and Children's
13 Services.

14 b. In 01/17, Respondent resigned from New Horizon Youth Homes.

15 c. In 12/18, Respondent resigned from Copper Springs Hospital.

16 10. On 08/27/20, Respondent signed a certifying statement indicating all of the
17 information provided within his LASAC application was true and correct.

18 11. Respondent misrepresented the following regarding his employment history
19 within his LASAC application:

20 a. He was involuntarily terminated from Jewish Family and Children's Services,
21 New Horizon Youth Homes, and Copper Springs Hospital rather than
22 resigning from these employers.

23 b. Respondent omitted Sage Counseling from his employment history.

24 12. On 12/16/14, Respondent was involuntarily terminated from Jewish Family and
25 Children's Services for poor performance.

1 13. On 11/13/18, Respondent was involuntarily terminated from Copper Springs
2 Hospital due to professional boundary violations with patients which were substantiated.

3 14. On 07/10/19, Respondent was terminated from Sage Counseling due to two
4 separate client complaints which included the following:

5 a. Respondent asked one of the clients if they wanted a back rub and the other
6 client the last time they had a back rub.

7 b. One of the clients alleged Respondent asked her to send him bikini pictures
8 of herself.

9 c. Respondent called one of the clients beautiful and told the other client she
10 needed a big strong man to take care of her.

11 15. On 09/04/20, Respondent was terminated from Touchstone Health Services
12 (“THS”) and his personnel records included the following:

13 a. Respondent was called to help students process trauma from witnessing a
14 student get hit and killed by a bus.

15 b. Two female seventh grade students told their parents Respondent had asked
16 if they were having sex and if they masturbated.

17 16. In 08/21, Respondent resigned from Destiny Springs Healthcare but his
18 personnel records included two harassment complaints from coworkers which included the
19 following:

20 a. Respondent asked one coworker if she was married, her sexual kinks, if she
21 liked her breasts touched, if she likes to give or receive oral sex, and if she
22 liked massages.

23 b. Respondent commented on how another coworker’s butt looked in her jeans.

24 17. In 09/21, Respondent was terminated from Gen Health after a mother reported
25 her daughter reported the following:

- 1 a. Respondent asked the client if she ever had her breasts touched.
- 2 b. Respondent asked if the client's condition impacted her sex life.
- 3 c. Respondent made jokes about what he could do with the client on the floor in
- 4 the room and told the client not to discuss anything from their sessions with
- 5 her mother.

6 18. On 02/04/22, Respondent was terminated from Community Medical Services
7 ("CMS") for inappropriate and unprofessional communications and behaviors for referring to
8 other staff as gay, calling a coworker beautiful, and asking a female coworker if she was
9 heterosexual.

10 19. During an investigative interview with Board staff, Respondent made the
11 following representations:

- 12 a. He felt it was appropriate to ask about a client's breasts because it was
- 13 relevant to her treatment.
- 14 b. Respondent believes sex and relationships are related to how people feel
- 15 about themselves, their partner, and their life in general.
- 16 c. If the topic of masturbation came up during a session, Respondent would
- 17 expand on it because he feels masturbation can be effective in dealing with a
- 18 person with mental illness and codependency issues.

19 20. Specifically, A.K. and V.W.'s treatment goals were related to reducing anxiety
20 and increasing self-confidence, and not sexual topics.

21 21. Respondent failed to document these sexual in nature conversations within A.K.
22 or V.W.'s clinical records.

23 22. Respondent treated seventh grade students to help process witnessing a
24 tragedy, but asked them sexually inappropriate questions not related to the tragedy.

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1 23. Since 11/18, Respondent has been terminated or issued a corrective action by at
2 least 7 different employers for inappropriate boundaries or inappropriate and sexual comments
3 to female coworkers or clients.

4 24. Respondent acknowledged providing behavioral health services outside the
5 scope of his LASAC license by providing general mental health services to clients, unrelated to
6 substance use.

7 25. On 01/11/22, Respondent updated his employment with the Board as CMS, and
8 it was not until this date that the Board became aware of a number of employments Respondent
9 never made the Board aware of as required by Board rules.

10 26. Other than Respondent's LASAC application with the Board, Respondent
11 misrepresented information within his employment applications by not being transparent about
12 his previous terminations and omitting several employers from various employment applications.

13 **CONCLUSIONS OF LAW**

14 1. The Board has jurisdiction over Respondent pursuant to A.R.S. § 32-3251 *et seq.*
15 and the rules promulgated by the Board relating to Respondent's professional practice as a
16 licensed behavioral health professional.

17 2. The conduct and circumstances described in the Findings of Fact constitute a
18 violation of A.R.S. § 32-3251(16)(c)(i), making any oral or written misrepresentation of a fact to
19 secure or attempt to secure the issuance or renewal of a license.

20 3. The conduct and circumstances described in the Findings of Fact constitute a
21 violation of A.R.S. § 32-3251(16)(ii), violating and federal or state law, rule or regulation
22 applicable to the practice of behavioral health, as it relates to:

23 A.A.C. R4-6-205. Change of Contact Information

24 ...

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1 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**


2 
3 Joseph Dunbar (Mar 28, 2022 17:48 PDT)

Mar 28, 2022

3 Joseph E. Dunbar

Date

4 **BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

5 By: 

Mar 28, 2022

6 TOBI ZAVALA, Executive Director
7 Arizona Board of Behavioral Health Examiners

Date

8 **ORIGINAL** of the foregoing filed Mar 28, 2022
9 with:

10 Arizona Board of Behavioral Health Examiners
11 1740 West Adams Street, Suite 3600
12 Phoenix, AZ 85007

12 **EXECUTED COPY** of the foregoing sent electronically Mar 28, 2022
13 to:

14 Mona Baskin
15 Assistant Attorney General
16 2005 North Central Avenue
17 Phoenix, AZ 85004

16 Joseph E. Dunbar
17 Address of Record
18 Respondent