

1 4. Respondent understands that this Interim Consent Agreement does not
2 constitute a dismissal or resolution of this matter or any matters that may be currently pending
3 before the Board and does not constitute any waiver, express or implied, of the Board's
4 statutory authority or jurisdiction regarding any other pending or future investigations, actions,
5 or proceedings. Respondent also understands that acceptance of this Interim Consent
6 Agreement does not preclude any other agency, subdivision, or officer of this State from
7 instituting civil or criminal proceedings with respect to the conduct that is the subject of this
8 Interim Consent Agreement. Respondent does not intend her acceptance of this Interim
9 Consent Agreement to constitute an admission of any fact or facts and she enters into this
10 agreement as an interim compromise of a pending matter. Respondent further does not
11 relinquish her rights to an administrative hearing, rehearing, review, reconsideration, judicial
12 review or any other administrative and/or judicial action, concerning the matters related to a
13 final disposition of this matter, unless she affirmatively does so as part of the final resolution of
14 this matter.

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

20 6. Respondent understands that this Interim Consent Agreement shall not become
21 effective unless and until it is adopted by the Board and signed by its Executive Director.

22 7. Respondent understands and agrees that if the Board does not adopt this
23 Interim Consent Agreement, she will not assert in any future proceedings that the Board's
24 consideration of this Interim Consent Agreement constitutes bias, prejudice, prejudgment, or
25 other similar defense.

- b. Respondent drove closely past Officer and honked his horn.
- c. Officer got back on his motorcycle and pursued Respondent.
- d. When questioned by Officer, Respondent acknowledged drinking "several beers."
- e. Respondent was very confrontational.
- f. Respondent was arrested after he declined to take any of Officer's field sobriety tests.

5. At 9:44 p.m., 36 minutes after he was arrested, Respondent consented to a blood draw at the police station.

6. The result of this test measured a BAC of .141%.

7. Based on his BAC, Respondent had the equivalent of 6 drinks in his system when his blood was drawn.

8. Respondent represents the following:

a. On 12/05/13, Respondent was at a sports bar from 5:00 p.m. to 9:00 p.m.

b. He had approximately 4 pints of beer during this time period.

9. 4 pints is equivalent to 64 ounces or approximately 5 12 ounce beers.

10. Respondent's representation that he consumed 4 pints of beer over a 4 hour period cannot be reconciled with his .141% BAC at 9:44 p.m.

11. On 02/25/14, Respondent pled guilty to DUI.

INTERIM CONCLUSIONS OF LAW

1. The Board possesses subject matter and personal jurisdiction over Respondent pursuant to A.R.S. § 32-3251 *et seq.*

2. The Board is authorized to enter into an interim consent agreement with an independent substance abuse counselor to limit or restrict the professional's practice in order to protect the public and ensure that the professional is able to safely engage in the practice of independent substance abuse counseling. A.R.S. § 32-3281.

1 **INTERIM ORDER**

2 Based on the Interim Findings of Fact and Interim Conclusions of Law, and pursuant to
3 the authority granted to the Board under A.R.S. § 32-3281:

4 **IT IS HEREBY ORDERED** that Respondent shall not practice under his license until
5 such time as he submits a written request for the reinstatement of his license to the Board and
6 the Board affirmatively approves Respondent's request for reinstatement. The Board may, in its
7 discretion, require any combination of staff-approved physical, psychiatric, or psychological
8 examinations, or other types of examinations, evaluations or interviews it believes are
9 necessary to assist the Board in determining whether Respondent is able to safely and
10 competently return to the practice of independent substance abuse counseling. The Board's
11 affirmative approval to permit Respondent to return to practicing under his license shall not
12 preclude the Board from taking any other action it deems appropriate based upon the conduct
13 set forth in the Interim Findings of Fact.

14 Respondent's agreement not to practice under License No. LISAC-0048 will be
15 considered an interim suspension of his license.

16
17 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

18 
19 Frank Q. Jesus

5-12-14
Date

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

21 Dated this 24 day of July, 2014.

22
23 By: 
24 TOBÍ ZAVALA, Interim Executive Director
Arizona Board of Behavioral Health Examiners

25 **ORIGINAL** of the foregoing filed
This 2nd day of July, 2014, with:

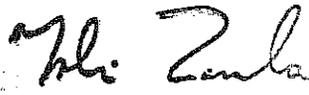
1 Arizona Board of Behavioral Health Examiners
3443 N. Central Ave., Suite 1700
2 Phoenix, AZ 85012

3 **COPY** of the foregoing mailed via Interagency Mail
4 This 2nd day of July, 2014, to:

5 Beth Campbell
6 Assistant Attorney General
1275 West Washington
Phoenix, Arizona 85007

7 **COPY** of the foregoing mailed via
8 Certified mail no. 704 0510 0001 3723 7588
This 2nd day of July, 2014, to:

9 Frank Q. Jesus
10 Address of Record
Respondent

11 
12 _____
13 Tobi Zavala, Interim Executive Director
602-542-1617

14
15
16
17
18
19
20
21
22
23
24
25