

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

3 **In the Matter of:**

4 **DONALD J. DIEBOLD, LISAC-11485,**
5 **Licensed Independent Substance**
6 **Abuse Counselor,**
7 **In the State of Arizona,**

8 **RESPONDENT.**

Case No. 2013-0055

CONSENT AGREEMENT

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

14 **RECITALS**

15 Respondent understands and agrees that:

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

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

24 ...

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
5 their acceptance of this Consent Agreement or make any modifications to it. Any modification
6 of this original document is ineffective and void unless mutually approved by the parties in
7 writing.

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

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13 approve this Consent Agreement, this Consent Agreement is withdrawn and shall be of no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

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

22 8. Respondent further understands that any violation of this Consent Agreement
23 constitutes unprofessional conduct pursuant to A.R.S. § 32-3251(16)(n) and may result in
24 disciplinary action pursuant to A.R.S. § 32-3281.

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Arizona Board of Behavioral Health Examiners

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3 **ORIGINAL** of the foregoing filed
this 22nd day of January, 2018 with:

4 Arizona Board of Behavioral Health Examiners
5 1740 West Adams, Suite 3600
6 Phoenix, Arizona 85007

7 **COPY** of the foregoing mailed via Interagency Mail
this 22nd day of January, 2018, to:

8 Marc Harris
9 Assistant Attorney General
10 2005 North Central Avenue
11 Phoenix, Arizona 85004-1592

12 **COPY** of the foregoing mailed via
13 Certified mail no. 9489009000276039163880
this 22nd day of January, 2018, to:

14 Donald J. Diebold
15 Address of Record
16 Respondent

17 **COPY** of the foregoing mailed via Mail
18 this 22nd day of January, 2018 to:

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24
25
DOC#6657412