

1 Consent Agreement.

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

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

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11 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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

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

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

22 9. The Board therefore retains jurisdiction over Respondent and may initiate
23 disciplinary action against Respondent if it determines that they have failed to comply with the
24 terms of this Consent Agreement or of the practice act.

25 The Board issues the following Findings of Fact, Conclusions of Law and Order:

1 **FINDINGS OF FACT**

2 1. Respondent is the holder of License No. LISAC-0048 for the practice of
3 substance abusing counseling in Arizona.

4 2. On 12/05/13, Respondent was arrested for driving under the influence ("DUI").

5 3. At the time of his arrest, Respondent's blood alcohol content was measured at
6 .141% approximately 36 minutes after he was pulled over.

7 4. Respondent self-reported his DUI charge to the Board within the appropriate time
8 frame.

9 5. On 04/03/14, the Board reviewed Respondent's self-report and voted to open a
10 complaint and offer Respondent an Interim Consent Agreement ("ICA") not to practice, to which
11 Respondent signed and accepted.

12 6. On 05/12/14, Respondent submitted a written request to be released from the
13 ICA.

14 7. On 02/06/15, the Board voted to dismiss the complaint and release Respondent
15 from the ICA.

16 8. On 06/04/15, Respondent was again arrested for DUI.

17 9. At the time of his arrest, Respondent's blood alcohol content measured at .111%
18 approximately 1 hour and 14 minutes after he was pulled over.

19 10. Respondent failed to timely self-report his DUI charge to the Board.

20 11. In 02/16, the Board became aware of Respondent's 06/04/15 DUI arrest when it
21 received verifiable information from a 3rd party.

22 **CONCLUSIONS OF LAW**

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

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By: *Tobi Zavala*
TOBI ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners

ORIGINAL of the foregoing filed
This 12th day of July, 2016 with:

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

COPY of the foregoing mailed via Interagency Mail
This 12th day of July, 2016, to:

Marc Harris
Assistant Attorney General
1275 West Washington
Phoenix, Arizona 85007

COPY of the foregoing mailed via
Certified mail no. 70142870 0001 8957 7123
This 12th day of July, 2016, to:

Frank Q. Jesus
Address of Record
Respondent