



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

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

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10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,  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

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

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

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

24 ...

25 ...

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

2 **FINDINGS OF FACT**

3 1. Respondent is the holder of License No. LPC-16739 for the practice of  
4 counseling in Arizona.

5 2. On 04/05/17, Respondent submitted a letter of resignation to the behavioral  
6 health agency that employed him.

7 3. According to Respondent:

8 a. Shortly after resigning, Respondent helped open another behavioral health  
9 agency ("Agency") with two other licensees.

10 b. At Agency, Respondent and the other licensees work independently of each  
11 other.

12 c. Agency is an equal partnership business.

13 4. Respondent acknowledges that for approximately 1 month, from 05/17 – 06/17,  
14 while he still possessed a lower level license, Respondent was working without supervision.

15 5. In addition, upon opening Agency, Respondent entered into a business  
16 ownership relation with another lower level licensee.

17 **CONCLUSIONS OF LAW**

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

21 2. The conduct and circumstances described in the Findings of Fact constitute a  
22 violation of A.R.S. § 32-3251(16)(m), engaging or offering to engage as a licensee in activities  
23 that are not congruent with the licensee's professional education, training or experience.

24 3. The conduct and circumstances described in the Findings of Fact constitute a  
25 violation of A.R.S. § 32-3251(16)(n), failing to comply with or violating, attempting to violate or

1 assisting or abetting the violation of any provision of this chapter, any rule adopted pursuant to  
2 this chapter, any lawful order of the board, or any formal order, consent agreement, term of  
3 probation or stipulated agreement issued under this chapter as it relates to:

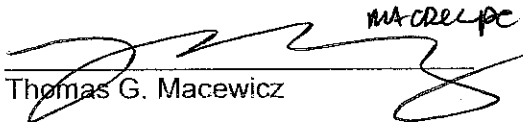
- 4 a. A.A.C. R4-6-210, Practice Limitations.
- 5 b. A.A.C. R4-6-211(A), Direct Supervision, Supervised Work
- 6 Experience: General.

7 **ORDER of CENSURE**

8 Based upon the foregoing Findings of Fact and Conclusions of Law, the parties agree to  
9 the provisions and penalties imposed as follows:

- 10 1. Respondent is hereby censured, which is an official action against their license,  
11 for their conduct as set forth in the Findings of Fact.
- 12 2. This Consent Agreement shall be effective on the date of entry below.
- 13 3. This Consent Agreement is conclusive evidence of the matters described herein  
14 and may be considered by the Board in determining appropriate sanctions in the event a  
15 subsequent violation occurs.


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

18   
19 Thomas G. Macewicz

18 11/8/17  
19 Date

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

21 Dated this 13th day of November, 2017.

22  
23 By:   
24 TOBI ZAVALA, Executive Director  
25 Arizona Board of Behavioral Health Examiners

1 ORIGINAL of the foregoing filed  
This 13<sup>th</sup> day of November, 2017 with:

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

5 COPY of the foregoing mailed via Interagency Mail  
This 13<sup>th</sup> day of November, 2017, to:

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

9 COPY of the foregoing mailed via  
Certified mail no. 701714570000086890202  
10 This 13<sup>th</sup> day of November, 2017, to:

11 Thomas G. Macewicz  
12 Address of Record  
13 Respondent  
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