



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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DOUGLAS A. DUCEY
Governor

TOBI ZAVALA
Executive Director

November 27, 2017

Ms. Marcella L. Morgan
[REDACTED]

Dear Ms. Morgan:

On November 3, 2017, the Arizona Board of Behavioral Health Examiners ("Board") reviewed your application for licensure as a licensed professional counselor and determined that you are not eligible for licensure pursuant to A.R.S. § 32-3275(6). Specifically, the Board found that you engaged in conduct that had you been licensed would have constituted grounds for disciplinary action. The Board determined that the disciplinary action invoked the following violations that were based upon the conduct referenced thereafter:

1. A.R.S. § 32-3251(16)(v), any sexual conduct between a licensee and a client or former client.
2. A.R.S. § 32-3251(16)(l), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice the licensee's profession.
3. A.R.S. § 32-3251(16)(c)(i), any oral or written misrepresentation of a fact by an applicant or licensee to secure or attempt to secure the issuance or renewal of a license.
4. A.R.S. § 32-3251(16)(c)(ii), any oral or written misrepresentation of a fact by an applicant or licensee in any statements provided during an investigation or disciplinary proceeding by the Board.
5. A.R.S. § 32-3251(16)(ii), violating any federal or state law, rule or regulation applicable to the practice of behavioral health, as it relates to A.A.C. R4-6-205: A licensee or an applicant shall notify the agency in writing no later than 30 days after any change of the licensee's or applicant's residence or office mailing address or residence of office telephone number.

These violations were based on the following findings:

1. Since 09/02, you have been licensed as an LPC in the state of Virginia.
2. In 03/16, the Virginia board received a complaint alleging an inappropriate relationship between you and your adult male client ("Client").
3. During your investigative interview with Board staff, you indicated the following regarding your Virginia complaint:
 - a. You were not honest with the Virginia board investigator about your relationship with Client or in your written response, as you were embarrassed and ashamed.
 - b. Around 03/15, Client received treatment at the agency ("Agency") where you were employed.
 - c. In late 2015, you ran into Client at the community college where you were on the advisory committee and he was attending classes.
 - d. Your contact with Client was initially about his schooling, and then it progressed from there.

- e. When asked if Client was your boyfriend, you indicated, "yes."
 - f. The relationship progressed into a romantic one in early 2016.
 - g. Client would spend the night at your home occasionally.
 - h. Just before you moved to Arizona in 2016, Client began living with you.
 - i. Client moved with you to Arizona in 2016, but he has since moved back home.
4. In 09/17, the Virginia board found that you engaged in a dual, social, and romantic relationship with Client, whom you provided therapy to in 2015 and during the course of your employment at Agency.
 5. Prior to the Board learning of the aforementioned information, you submitted a 06/07/16 LPC application to the Board.
 6. On that application, you answered "No" to all questions on your background questionnaire.
 7. It was later discovered that the Virginia board's complaint was received on 03/30/16, which was approximately 2 months prior to you submitting your 06/07/16 LPC application.
 8. Furthermore, the Virginia board interviewed you regarding the complaint on 06/03/16, which was also prior to you submitting your LPC application.
 9. Based on those facts, you inappropriately checked "No" to the Board's background question, which specifically asks, have you ever been or are you currently subject of any complaint, investigation or disciplinary action against your license, certificate, registration or membership by any state regulatory board, any professional or occupational credentialing authority.
 10. In addition, during the Board's investigation, you submitted a series of further false and misleading statements.
 11. On 08/30/16, in response to questions from Board staff, you submitted an email indicating:
 - a. "The complaint filed against me occurred after I completed my application for reciprocity in Arizona."
 - b. The complaint alleges an inappropriate relationship with Client.
 - c. There was no inappropriate relationship.
 12. On 01/23/17, you submitted another email to Board staff indicating:
 - a. In 03/16, you were in the process of moving.
 - b. You ran into Client and his girlfriend at a store and chatted briefly.
 - c. You mentioned that you were moving, and Client and his girlfriend offered for you to use Client's truck.
 - d. Client assisted you by transporting some of your furniture in your truck.
 - e. You told your coworker that your relationship with Client was not romantic or sexual and that Client was at your house to help you move.
 13. Based on this information, it appears that only once you were made aware that Board staff had obtained a copy of the Virginia board's investigative file as well as your personnel records from Agency, only then did you acknowledge your inappropriate and romantic relationship with Client.
 14. Since submitting your LPC application to the Board, you have had at least 2 employment changes.
 15. You failed to notify the Board in writing within 30 days of your employment changes, as required.

Per A.R.S. §41.1092.03.B, you may request a Formal Hearing by notifying the agency in writing within thirty-five (35) days from the date of this letter. If you do request a Formal Hearing, you also have the right, pursuant to A.R.S. §41-1092.06, to request a settlement conference. If you do not request a Formal Hearing by the close of business on January 1, 2018, your file will be closed without further recourse to appeal and the licensure denial will be reported to the federal data banks that record this information. If you desire licensure at a later date, you must submit a new application and fee.

PLEASE BE FURTHER ADVISED that, pursuant to the Board's new licensure statute, as of July 1, 2004, only persons holding licenses to practice social work may do so unless they are exempt from licensure pursuant to A.R.S. § 32-3271.

If you have any questions, I can be reached at (602) 542-1617.

Sincerely,

A handwritten signature in black ink, appearing to read "Tobi Zavala". The signature is fluid and cursive, with a long horizontal stroke at the end.

Tobi Zavala
Executive Director