



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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JANICE K. BREWER
Governor

DEBRA RINAUDO
Executive Director

December 02, 2013

Ms. Tara Capana

Dear Ms. Capana:

On November 07, 2013, the Board found that you are not eligible for licensure pursuant to § 32-3275(6) based on the following findings:

1. A violation of A.R.S. § 32-3251(12)(b), use of fraud or deceit in connection with rendering services as a licensee.
2. A violation of A.R.S. § 32-3251(12)(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.

These violations are based on the following findings:

1. On your 02/13 LAC application, you answered "No" to background question (4): "Have you ever had any disciplinary action or sanctions of any kind taken against you by any state or federally licensed facility or employer in Arizona or any other state or country?"
2. Your response was inappropriate where:
 - a. In 01/06, you received a written warning from your employer ("Agency 1") for "excessive absenteeism".
 - b. In 07/07, another employer ("Agency 2") issued a Performance Correction Notice to you after you disclosed you were using illegal substances.
3. On your Licensed Associated Counselor ("LAC") application, you represented that you voluntarily resigned from Agency 1.
4. This appears to be a deliberate misrepresentation where Agency 1's records reflect that you were terminated after you walked off the job.
5. On your LAC application, you represented that you were terminated from Agency 2 after you disclosed you were struggling with substance abuse issues.
6. It is impossible to reconcile this representation with your personnel records from Agency 2, which reflect the following:
 - a. In 07/07, you were given a Performance Correction Notice after you admitted you were using illegal substances.
 - b. Pursuant to that notice, you were required to refrain from using any illegal substances and to undergo drug testing.
 - c. You were involuntarily terminated after you admitted to a co-worker that you had diluted a urine sample.
7. Your criminal history includes:

- a. 8 arrests
- b. At least 6 convictions
- c. 5 DUI arrests
- d. At least 4 DUI convictions
- e. A 2-year imprisonment following convictions to 2 aggravated DUIs in 1991.
8. On the 04/05 employment application you submitted to Agency 1 you were required to disclose the following:
 - a. "Have you ever pled no contest to, pled guilty to, or been convicted of a crime other than a minor traffic violation?"
9. In response to this question, you only disclosed your 2001 DUI despite the fact that you had at least 5 other criminal convictions.
10. On the 11/06 employment application you submitted to Agency 2, you were required to disclose the following:
 - a. "Have you ever been convicted of a crime or felony? If yes, please describe fully, including date, location, and disposition of the conviction."
11. In response to this question, you only disclosed the following convictions:
 - a. 09/2001: Tucson, DUI, completed.
 - b. 09/2004: Marana, Disorderly Conduct, completed.
12. Your failure to fully disclose your criminal history on the employment applications you submitted to Agency 1 and Agency 2 was inappropriate.
13. You indicated the following with regard to your failure to fully disclose your criminal history to Agency 1 and Agency 2:
 - a. You did not intentionally try to misrepresent your criminal history.
 - b. You didn't have a good understanding of all the charges that were filed against you.
 - c. You did not have a complete record of your criminal history until NBCC provided it to you.
14. Given your extensive criminal history and the extremely limited information you disclosed to Agency 1 and Agency 2, your representation that your failure to fully disclose your prior criminal convictions was inadvertent is not credible.
15. On the employment application you completed for Agency 2, you represented that you voluntarily left Agency 1 based on "personal reasons."
16. This appears to be a deliberate misrepresentation where Agency 1 records reflect that you were terminated for "walking off the job".
17. On the employment application you completed for another employer ("Agency 3"), you represented the following:
 - a. You voluntarily left Agency 1 based on "maternity".
 - b. You voluntarily left Agency 2 for "personal" reasons.
18. There appear to be deliberate misrepresentations where:
 - a. Agency 1 records reflect that you were terminated for "walking off the job".
 - b. Agency 2 records reflect that you were terminated based on your use of methamphetamines and your submission of a diluted urine sample.

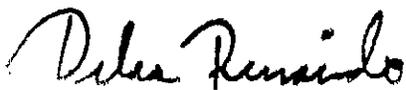
Per A.R.S. §41.1092.03.B, you may request a Formal Hearing by notifying the agency in writing within thirty-five (35) days from the date of this letter. If you do request a Formal Hearing, you also have the right, pursuant to A.R.S. §41-1092.06, to request a settlement conference. If you do not request a Formal Hearing by the close of business on January 8, 2014, 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 professional counseling 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) 542-1864.

Sincerely,

A handwritten signature in cursive script that reads "Debra Rinaudo".

Debra Rinaudo,
Executive Director