



STATE OF ARIZONA  
BOARD OF BEHAVIORAL HEALTH EXAMINERS  
3443 NORTH CENTRAL AVENUE, SUITE 1700  
PHOENIX, AZ 85012  
PHONE: 602.542.1882 FAX: 602-364-0890  
Website: [www.az.gov](http://www.az.gov)  
Website: [www.bbhe.state.az.us](http://www.bbhe.state.az.us)  
E-mail address: [azbbhe@bbhe.state.az.us](mailto:azbbhe@bbhe.state.az.us)

JANICE K. BREWER  
Governor

DEBRA RINAUDO  
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES  
April 3, 2009

Members Present: Laura de Blank, Diane Brassea, Ruth Lee, Kahryn Nix, Jose Herrera  
Members absent: Robert Evans, Gloria Gabler, Doug Mitchell  
Staff Present: Debra Rinaudo, Patricia Reynolds, Maricarmen Martinez, Marc Harris, A.A.G.,  
Christopher Munns, Solicitor General's Office, Mary Wilson, Elma Brambila

1. **Call to Order**

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on April 3, 2009, at 9:10 a.m. with Ms. de Blank presiding.

2. **Roll Call**

See above.

3. **Minutes: review, consideration and action**

Ms. Nix moved, seconded by Mr. Herrera, to approve the general meeting minutes from March 6, 2009, as submitted. The motion passed unanimously. Ms. Brassea abstained from the vote.

Mr. Herrera moved, seconded by Ms. Lee, to approve the executive session minutes from March 6, 2009, as submitted. The motion passed unanimously. Ms. Brassea abstained from the vote.

4. **Consent Agenda: review, consideration and action**

Members requested that items F, J and N be pulled from the consent agenda and considered separately.

*A. 2006-0065, Francine Akins-Arbuckle, LPC-11723*

Review, consideration and action regarding the professional's request for release from the consent agreement.

*B. 2007-0002, Caroline Allen, LMSW-12510*

Review, consideration and action regarding the professional's request for release from the consent agreement.

*C. 2008-0036, John Baker, LPC-0973*

Review, consideration and action regarding the Counseling Credentialing Committee's recommendation to dismiss the complaint.

*D. 2002-0042, 2008-0102 and 2009-0070, Celia Boone, LMSW-3400 restricted*

Review, consideration and action regarding the Social Work Credentialing Committee's recommendation to accept the proposed signed consent agreement.

*E. 2007-0104, Heidi Clapham, LISAC-10465 and LPC-11948*

Review, consideration and action regarding the Counseling Credentialing Committee's recommendation to accept the proposed signed consent agreement.

*F. 2007-0065, Charles Conn, LPC-1456*

Review, consideration and action regarding the Counseling Credentialing Committee's recommendation to dismiss the complaint and issue a letter of concern.

Wallace Larson, Dr. Conn's attorney, appeared in person and addressed the Board.

Following review and discussion by members, Ms. Nix moved, seconded by Ms. de Blank, to accept the Counseling Credentialing Committee's recommendation to dismiss the complaint and issue a letter of concern. The motion passed unanimously.

*G. 2007-0044 and 2008-0018, Sylvia Garcia, LISAC-10024*

Review, consideration and action regarding the Substance Abuse Credentialing Committee's recommendation to dismiss the complaint and issue a letter of concern.

*H. 2006-0091, Yola Ghammashi, LPC-1842*

Review, consideration and action regarding the professional's request for release from the consent agreement.

*I. 2008-0002, Thomas Hall, LCSW-0017*

Review, consideration and action regarding the Social Work Credentialing Committee's recommendation to dismiss the complaint.

*J. 2007-0005, David Heward, LISAC-11814*

Review, consideration and action regarding the Substance Abuse Credentialing Committee's recommendation to accept the proposed signed consent agreement.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Ms. Lee moved, seconded by Mr. Herrera, to report Dr. Velton's problematic behavior to the Psychology Board. The motion failed with Ms. Lee in favor.

Following further discussion, Ms. De Blank moved, seconded by Mr. Herrera, to accept the signed consent agreement as recommended by the Substance Abuse Credentialing Committee. The motion passed unanimously. See attached roll call vote.

*K. 2008-0012, Amy King, LMFT-0469*

Review, consideration and action regarding the Marriage and Family Therapy Credentialing Committee's recommendation to dismiss the complaint.

*L. 2006-0021, Maria Kinsella, LISAC-1590*

Review, consideration and action regarding the Substance Abuse Credentialing Committee's recommendation to accept the proposed signed interim consent agreement.

*M. 2007-0146 and 2007-0148, Donald Nichols, LISAC-11603*

Review, consideration and action regarding the Substance Abuse Credentialing Committee's recommendation to accept the proposed signed consent agreement.

*N. 2009-0033, Larry Pam, LISAC-10311*

Review, consideration and action regarding the Substance Abuse Credentialing Committee's recommendation to accept the proposed signed interim consent agreement.

The professional was properly noticed, but did not appear.

Ms. Rinaudo distributed additional information submitted by the professional and his wife.

Following review and discussion by members, Ms. de Blank moved, seconded by Ms. Lee, to accept the signed interim consent agreement. The motion passed unanimously. See attached roll call.

*O. 2008-0028, Penni Patterson, LCSW-3490*

Review, consideration and action regarding the Social Work Credentialing Committee's recommendation to dismiss the complaint and issue a letter of concern.

*P. 2004-0040, Priscilla Reynolds, LCSW-0314*

Review, consideration and action regarding the professional's request for release from the consent agreement.

*Q. 2007-0089, Elaine Roan, LISAC-11593*

Review, consideration and action regarding the Substance Abuse Credentialing Committee's recommendation to dismiss the complaint.

R. 2007-0123, *Trudy Sloane-Farrell, LCSW-2164*

Review, consideration and action regarding the Social Work Credentialing Committee's recommendation to accept the proposed signed consent agreement.

S. 2008-0013, *James B. Stewart, LISAC-0846*

Review, consideration and action regarding the Substance Abuse Credentialing Committee's recommendation to dismiss the complaint.

T. 2006-0125, *Sandra Tursini, LPC-0362*

Review, consideration and action regarding the professional's request for release from the consent agreement.

U. 2009-0073, *Benjamin Tyau, LAC-12294*

Review, consideration and action regarding the Counseling Credentialing Committee's recommendation to accept the proposed signed consent agreement.

Ms. Lee moved, seconded by Ms. Nix, to approve the consent agenda items A-E, G-I, K-M and O-U. The motion passed unanimously. See attached roll call.

*The Board took a break at 10:15 a.m., reconvening its public meeting at 10:24 a.m.*

## **7. Complaints and other disciplinary matters**

### **Agenda item 7(C)**

2009-0039, *Donald Thomas, LPC-10230 and LISAC-11843*

Ms. Rinaudo summarized the results of the Board's investigation.

The complainant was properly noticed, but did not appear.

The professional appeared in person and addressed the Board.

Following discussion by members, Ms. Nix moved, seconded by Ms. de Blank, to accept the signed consent agreement as recommended by the Counseling Credentialing Committee. The motion passed unanimously.

### **Agenda item 7(B)**

2009-0052, *Jesse Hash, LCSW applicant*

Ms. Rinaudo summarized the results of the Board's investigation

The complainant and her significant other addressed the Board telephonically.

The complainant requested a continuance to submit additional information.

Mr. Herrera moved, seconded by Ms. Lee, to deny the complainant's request for a continuance. The motion passed unanimously.

The professional addressed the Board telephonically.

Following review and discussion by members, Ms. Lee moved, seconded by Mr. Herrera, to dismiss the complaint as recommended by the Social Work Credentialing Committee. The motion passed unanimously.

## **8. Applications for licensure**

### *Social Work*

Mr. Herrera moved, seconded by Ms. Brassea, to approve 4 applicants as Licensed Clinical Social Workers, 1 applicant as a Reciprocal Licensed Clinical Social Worker and 12 applicants as Licensed Master Social Workers. The motion passed unanimously.

Mr. Herrera moved, seconded by Ms. Lee, to deny 2 applicants based on failure to pass the required exam and 1 applicant based on a finding of unprofessional conduct. The motion passed unanimously.

### *Counseling*

Ms. de Blank moved, seconded by Ms. Brassea, to approve 8 applicants as Licensed Associate Counselors, 9 applicants as Licensed Professional Counselors and 1 applicant as a Reciprocal Licensed Professional Counselor. The motion passed unanimously.

Ms. de Blank moved, seconded by Ms. Brassea, to deny 8 applicants based on failure to meet minimum requirements in supervised work experience and/or education. The motion passed unanimously.

*Substance Abuse*

Ms. Lee moved, seconded by Ms. Brassea, to approve 2 applicants as Licensed Independent Substance Abuse Counselors and 5 applicants as Licensed Associate Substance Abuse Counselors. The motion passed unanimously.

Ms. Lee moved, seconded by Ms. Brassea, to deny 2 applicants based on failure to meet minimum requirements in supervised work experience and/or education. The motion passed unanimously.

*Marriage and Family Therapy*

Ms. Brassea moved, seconded by Ms. de Blank, to approve 3 applicants as Licensed Marriage and Family Therapists and 12 applicants as Licensed Associate Marriage and Family Therapists. The motion passed unanimously.

Ms. Brassea moved, seconded by Mr. Herrera, to deny 6 applicants based on failure to pass the required exam. The motion passed unanimously.

**5. Administrative Hearings 11:00 AM**

**Agenda item 5(C)**

*2004-0016 and 2004-0017, Karl Monical, LMSW-10214 suspended*

Mr. Harris A.A.G., appeared on behalf of the State.

Mr. Munns, Solicitor General's Office, appeared on behalf of the Board.

The professional appeared in person and addressed the Board regarding the consent agreement that he has signed.

Following review and discussion by members, Ms. Lee moved, seconded by Ms. Nix, to accept the signed consent agreement. The motion passed unanimously. See attached roll call vote.

**Agenda item 5(A)**

*2009-0095, Sherry DesCoteaux, LCSW applicant*

The professional was properly noticed, but did not appear.

Mr. Harris, A.A.G., appeared on behalf of the State and made an opening statement.

Mr. Munns, Solicitor General's Office, appeared on behalf of the Board.

Ms. Reynolds, Board Investigator, was sworn in and testified.

Ms. de Blank admitted State's Exhibits 1– 14 into evidence.

Mr. Harris made a closing argument.

Following discussion by members, Ms. Lee moved, seconded by Mr. Herrera, to adopt factual allegations 1 – 8 from the Notice of Hearing as findings of fact and the charges from the Notice of Hearing as conclusions of law. The motion passed unanimously.

Following further discussion, Ms. Lee moved, seconded by Mr. Herrera, to issue an order denying the professional's license based on unprofessional conduct and failure to meet minimum requirements in supervised work experience and clinical supervision. The motion passed unanimously. See attached roll call.

**Agenda item 5(D)**

*2009-0088, Abel Moniz-Ferriera, LMSW applicant*

Mr. Munns, Solicitor General's Office, appeared on behalf of the Board.

The professional appeared in person and made an opening statement.

Mr. Harris A.A.G., appeared on behalf of the State and made an opening statement.

Mr. Moniz-Ferriera was sworn in and testified on his own behalf.

Ms. Rinaudo, Executive Director, was sworn in and testified on behalf of the state.

Ms. de Blank admitted State's Exhibits 1 – 15 and Respondent's Exhibits A – C into evidence.

Mr. Harris made a closing argument.

Mr. Moniz-Ferriera made a closing argument.

Following review and discussion by members, Mr. Herrera moved, seconded by Ms. Nix, to affirm the Social Work Credentialing Committee's recommendation to deny the application for licensure based on a finding of unprofessional conduct. The motion passed unanimously. See attached roll call vote.

**Agenda item 5(B)**

*2008-0007 and 2008-0120, Jane Johnson, LSAT-12022 restricted*

The professional was properly noticed, but did not appear.

Mr. Harris A.A.G., appeared on behalf of the State and made an opening statement.

Mr. Munns, Solicitor General's Office, appeared on behalf of the Board.

Ms. Martinez, Board Investigator, was sworn in and testified.

Ms. de Blank admitted State's Exhibits 1– 4 into evidence.

Mr. Harris made a closing argument.

Following discussion by members, Ms. Lee moved, seconded by Ms. Nix, to adopt factual allegations 1 – 5 from the Notice of Hearing as findings of fact and the charges from the Notice of Hearing as conclusions of law. The motion passed unanimously.

Ms. Lee moved, seconded by Ms. Nix, to issue an order revoking the professional's license. The motion passed unanimously. See attached roll call.

*The Board took a break at 1:52 p.m., reconvening its public meeting at 2:04 p.m.*

**6. Formal Interviews**

None

**7. Complaints and other disciplinary matters: review, consideration and action**

*A. 2009-0095, Sherry DesCoteaux, LCSW applicant*

Ms. Rinaudo summarized the results of the Board's investigation.

The complainant was properly noticed, but did not appear.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Ms. Lee moved, seconded by Ms. Nix, to dismiss the complaint as non-jurisdictional and note that, because the professional's application was denied, this complaint was not investigated. The motion passed unanimously. See attached roll call.

Following further discussion, Ms. Lee moved, seconded by Ms. Nix, to issue a cease and desist order and request that the professional submit revised business cards that do not misrepresent her licensure status. The motion passed unanimously.

*D. NJ09-0016, David Edgington*

Ms. Rinaudo summarized the results of the Board's investigation.

The professional was properly noticed, but did not appear.

Ms. Rinaudo reported that the professional has made changes to his website as requested by the Board.

The Board determined to take no additional action regarding this matter.

**9. Report from Chair.**

*A. Chair report*

No report.

*B. Member reports*

No report.

*C. Expediting the investigation process for complaints about court services*

Ms. Rinaudo reviewed the current investigation procedures used for cases where a professional is court-appointed to provide behavioral health services and where the court order provides the following:

- The professional has limited immunity while providing services pursuant to a court order, and
- Parties wishing to challenge the court-appointed professional must seek court review of all such challenges before seeking redress in another forum.

Although the committees have been exercising their authority under A.R.S. § 32-3281(D) to dismiss these complaints and remove them from the professional's complaint history, at present Board staff conducts a complete investigation before presenting these cases for committee review.

Following review and discussion, Ms. Nix moved, seconded by Mr. Herrera, that staff investigation in these types of cases will be limited to determining whether the case is appropriate for dismissal under A.R.S. § 32-3281(D). If so, no further investigation will be conducted and the case will be scheduled for review by the appropriate credentialing committee. The motion passed unanimously.

**10. Report from the Treasurer**

*A. Monthly Financial Report*

Ms. Rinaudo reviewed the monthly financial report.

**11. Report from the Executive Director and/or staff**

*A. General Agency Operations*

No report.

**12. Committee Reports**

None

**13. National and regional news regarding the profession(s)**

None

**14. Future agenda items**

None

**15. Call for public comment**

None

**16. Establishment of future meeting dates**

The next regular meeting is scheduled for May 1, 2009, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

**17. Adjournment**

Ms. Nix moved, seconded by Mr. Herrera, to adjourn. The motion passed unanimously and the meeting was adjourned at 2:44 p.m.

---

Gloria Gabler  
Secretary/Treasurer

---

Date