

1 **BEFORE THE ARIZONA BOARD**
2 **OF BEHAVIORAL HEALTH EXAMINERS**

3 **In the Matter of:**

4 **Daniel G. Oakes, LPC-11233,**
5 **Licensed Professional Counselor,**
6 **In the State of Arizona.**

7 **RESPONDENT**

CASE NO. 2020-0062
DECREE OF CENSURE

8 In the interest of a prompt and speedy settlement of the above captioned matter,
9 consistent with the public interest, statutory requirements and responsibilities of the Arizona
10 State Board of Behavioral Health Examiners ("Board"), and pursuant to A.R.S. §§ 32-3281(F)
11 and 41-1092.07(F)(5), Daniel G. Oakes ("Respondent") and the Board enter into this Consent
12 Agreement, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final
13 disposition of this matter.

14 **RECITALS**

15 Respondent understands and agrees that:

16 1. Any record prepared in this matter, all investigative materials prepared or
17 received by the Board concerning the allegations, and all related materials and exhibits may be
18 retained in the Board's file pertaining to this matter.

19 2. Respondent has the right to a formal administrative hearing at which Respondent
20 can present evidence and cross examine the State's witnesses. Respondent hereby irrevocably
21 waives their right to such formal hearing concerning these allegations and irrevocably waives
22 their right to any rehearing or judicial review relating to the allegations contained in this Consent
23 Agreement.

24 3. Respondent has the right to consult with an attorney prior to entering into this
25 Consent Agreement.

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 between only Respondent and the Board for
7 the final disposition of this matter and may be used for purposes of determining sanctions in any
8 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11 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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. LPC-11233 for the practice of
3 professional counseling in the State of Arizona.

4 2. In 2017, Respondent began providing clinical supervision to a licensed associate
5 counselor (“Supervisee”) through Respondent’s private practice.

6 3. At the same time that Respondent and Supervisee began their clinical
7 supervision relationship through Respondent’s private practice, Respondent and Supervisee
8 also became business partners through a separate limited liability company or LLC.

9 4. While business partners through a separate LLC, Respondent continued to
10 provide clinical supervision to Supervisee through Respondent’s private practice.

11 5. Pursuant to R4-6-212, clinical supervision cannot be provided by an individual
12 whose objective assessment of the supervisee’s performance may be limited by a relationship
13 with the supervisee.

14 6. The business relationship between Respondent and Supervisee for their LLC
15 voided any objective assessment that Respondent was required to possess over Supervisee’s
16 performance.

17 7. In 2019, Supervisee submitted an application for Licensed Professional
18 Counselor to the Board.

19 8. In support of Supervisee’s application, Respondent submitted verification
20 documents to the Board attesting that, in accordance with R4-6-212, Supervisee had
21 appropriately acquired all requisite clinical supervision and supervised work experience to
22 become a Licensed Professional Counselor.

23 9. As the Board had no knowledge that Supervisee’s clinical supervision and
24 supervised work experience hours were acquired through an inappropriate setting that
25 presented a conflict of interest, Supervisee was issued his LPC license, albeit inappropriately.

10. In 10/19, Respondent self-reported the above matter to the Board.

CONCLUSIONS OF LAW

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

2. The conduct and circumstances described in the Findings of Fact constitute a violation of 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. R4-6-212.

ORDER of CENSURE

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

1. Respondent is hereby censured, which is an official action against their license, for their conduct as set forth in the Findings of Fact.

2. This Consent Agreement shall be effective on the date of entry below.

3. This Consent Agreement is conclusive evidence of the matters described herein and may be considered by the Board in determining appropriate sanctions in the event a subsequent violation occurs.


PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT


Dan Oakes (Apr 23, 2020)

Daniel G. Oakes

Apr 23, 2020
Date

BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

By: 

TOBI ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners

May 11, 2020
Date

May 11, 2020

1 ORIGINAL of the foregoing filed
with:

2 Arizona Board of Behavioral Health Examiners
3 1740 West Adams Street, Suite 3600
Phoenix, AZ 85007

May 11, 2020

4 EXECUTED COPY of the foregoing sent electronically
5 to:

6 Marc Harris
Assistant Attorney General
7 2005 North Central Avenue
Phoenix, AZ 85004

8 Daniel G. Oakes
9 Address of Record
Respondent

10 Scott King
11 Broening Oberg Woods & Wilson, P.C.
2800 North Central Avenue, Suite 1600
12 Phoenix, AZ 85004
Attorney for Respondent