

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

**In the Matter of:**

**Mustafa M. Moyenda, LPC-20716,  
Licensed Professional Counselor,  
In the State of Arizona.**

**RESPONDENT**

**CASE NO. 2023-0165  
CONSENT AGREEMENT  
FOR VOLUNTARY SURRENDER**

In the interest of a prompt and speedy settlement of the above captioned matter, consistent with the public interest, statutory requirements and responsibilities of the Arizona State Board of Behavioral Health Examiners (“Board”), and pursuant to A.R.S. §§ 32-3281(F) and 41-1092.07(F)(5), Mustafa M. Moyenda (“Respondent”) and the Board enter into this Consent Agreement, Findings of Fact, Conclusions of Law and Order (“Consent Agreement”) as a final disposition of this matter.

**RECITALS**

Respondent understands and agrees that:

1. Any record prepared in this matter, all investigative materials prepared or received by the Board concerning the allegations, and all related materials and exhibits may be retained in the Board’s file pertaining to this matter.
2. Respondent has the right to a formal administrative hearing at which Respondent can present evidence and cross examine the State’s witnesses. Respondent hereby irrevocably waives their right to such formal hearing concerning these allegations and irrevocably waives their right to any rehearing or judicial review relating to the allegations contained in this Consent Agreement.
3. Respondent has the right to consult with an attorney prior to entering into this 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.     Although Respondent does not agree that all the Findings of Fact set forth in this  
10 Consent Agreement are supported by the evidence, Respondent acknowledges that it is the  
11 Board's position that, if this matter proceeded to formal hearing, the Board could establish  
12 sufficient evidence to support a conclusion that certain of Respondent's conduct constituted  
13 unprofessional conduct. Therefore, Respondent has agreed to enter into this Consent  
14 Agreement as an economical and practical means of resolving the issues associated with the  
15 complaint filed against her. Further, Respondent acknowledges that the Board may use the  
16 evidence in its possession relating to this Consent Agreement for purposes of determining  
17 sanctions in any further disciplinary matter.

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

25 ...

1 8. Respondent acknowledges and agrees that the acceptance of this Consent  
2 Agreement is solely to settle this Board matter and does not preclude the Board from instituting  
3 other proceedings as may be appropriate now or in the future. Furthermore, and  
4 notwithstanding any language in this Consent Agreement, this Consent Agreement does not  
5 preclude in any way any other state agency or officer or political subdivision of this state from  
6 instituting proceedings, investigating claims, or taking legal action as may be appropriate now or  
7 in the future relating to this matter or other matters concerning Respondent, including but not  
8 limited to violations of Arizona’s Consumer Fraud Act. Respondent acknowledges that, other  
9 than with respect to the Board, this Consent Agreement makes no representations, implied or  
10 otherwise, about the views or intended actions of any other state agency or officer or political  
11 subdivision of the state relating to this matter or other matters concerning Respondent.

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

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

16 **FINDINGS OF FACT**

17 1. Respondent is the holder of License No. LPC-20716 for the practice of  
18 counseling in the State of Arizona.

19 2. On 12/13/21, Respondent submitted an application for a licensed professional  
20 counselor license by endorsement.

21 3. On the background questionnaire, Respondent answered “no” to question (2)  
22 regarding ever being the subject of any complaint, investigation or disciplinary action against a  
23 credential by any regulatory body.

24 4. Despite answering “no,” Respondent disclosed a previous license suspension  
25 due to failure to pay Illinois State income tax on time.

1           5.       This information was verified by the National Practitioner Data Bank and the  
2 matter was subsequently signed off by Board staff.

3           6.       In 02/22, Respondent obtained his LPC license.

4           7.       On 01/16/23, a complaint was submitted by Complainant regarding Respondent  
5 violating her personal boundaries.

6           8.       Complainant represented that on 08/28/22, Respondent sexually assaulted her.

7           9.       Due to the alleged conduct having taken place in another state, the Board did not  
8 have jurisdiction to investigate the matter.

9           10.      In 03/23, Board staff became aware that the State of Illinois Division of  
10 Professional Regulation Records took action against Respondent's LCPC license because he  
11 practiced outside the scope of his license in that he performed "tantric therapy" on patients.

12          11.      Respondent's LCPC license in Illinois was permanently and voluntarily  
13 surrendered in 06/22.

14          12.      Further review of Respondent's Illinois records showed a 04/21 complaint and  
15 notice of preliminary hearing for Respondent.

16          13.      The complaint in Illinois included the following information:

17           a.      At all times relevant, Respondent worked at Eustress Therapy and Wellness  
18 ("ETW") in the state of Illinois.

19           b.      In 04/16, Respondent introduced himself to client C.K. as a doctor who  
20 provided counseling and massage therapy.

21           c.      During the initial visit, around 04/16, Respondent instructed C.K. to undress  
22 and lie underneath a sheet on a massage table since she needed to release  
23 sexual tension.

24           d.      Around 05/16, during the second appointment, Respondent again instructed  
25 C.K. to undress and lie underneath a sheet onto a massage table.

- 1 e. Respondent then massaged C.K.'s inner thighs and genital area, and digitally  
2 penetrated C.K.'s vagina.
- 3 f. Respondent wore only boxer briefs, and performed oral sex on C.K.
- 4 g. Around 10/17/16, patient C.R. was present at ETW for a therapy session, and  
5 Respondent instructed C.R. to get undressed and lie down on a massage  
6 table.
- 7 h. During the massage, Respondent touched C.R.'s buttocks and genital area  
8 with his hands over the undergarments.
- 9 i. After the massage, Respondent stated it was a trial session for tantric  
10 therapy<sup>1</sup>, and she needed to do "homework."
- 11 j. Respondent then played a video of a couple engaging in sex acts and  
12 instructed C.R. to watch the video as homework.

13 14. The complaint in Illinois indicated Respondent's conduct would constitute the  
14 following state rules and ethics:

- 15 a. Engaging in dishonorable, unethical, or unprofessional conduct of a character  
16 likely to deceive, defraud, or harm the public and violating the rules of  
17 professional conduct adopted by the Department.
- 18 b. Engaging in the sexual exploitation of clients.
- 19 c. Engaging in or condoning sexual harassment, that occurs in connection with  
20 professional activities or roles.
- 21 d. Engaging in any type of sexual or romantic intimacies with a client.
- 22
- 23

24 <sup>1</sup> Tantric Therapy is where touch is a powerful healing modality, by placing light touch which may or may  
25 not be of an erotic and sexual nature in order to stimulate pleasure in the body with the goal of circulating  
sexual/life force energy around the entire body and releasing the muscular tension and the body armor.  
<https://psychosocialsomatic.com/tantra-therapy/>

1           15. This timeline indicates Respondent was aware that a complaint against his  
2 Illinois license was being investigated at the time he completed his application with the Board.

3           16. Respondent misrepresented by omitting information regarding an investigation  
4 on his license that was ongoing at the time he filled out and submitted his Arizona license  
5 applicant.

6           17. Respondent also failed to notify the Board of the 06/22 action against his LCPC  
7 license in Illinois once the matter was concluded.

8           18. Furthermore, Respondent signed in his application a certifying statement, which  
9 included the following:

10           a. "I, [Respondent], certify under penalty of perjury that all information contained  
11 in my application, including all supporting documents, is true and correct to  
12 the best of my knowledge and belief, and with full knowledge that any false  
13 statements or misrepresentation made in this application may be grounds for  
14 refusal, subsequent revocation or suspension of my license(s), or other  
15 disciplinary action."

16           19. Respondent obtained his Arizona LPC license without the Board being able to  
17 take into consideration the allegations of unprofessional conduct against him, which may have  
18 prevented him from obtaining a license.

19           20. On 04/04/23, Board staff reached out to Respondent via email in order to  
20 schedule a telephonic investigative interview regarding his complaint, and notified him of his  
21 matter being scheduled to be heard at the following month's Board meeting.

22           21. A few hours later, Respondent responded, noting he will be forwarding Board  
23 staff's information to his attorney.

24           22. Board staff subsequently responded, noting a letter of representation would be  
25 required and that the interview would need to be conducted within the requested time frame.

1 23. On 04/06/23, Board staff sent a follow up email, inquiring about the lack of  
2 response.

3 24. On 04/12/23, Board staff followed up once again, noting a response had not  
4 been received, offering additional times for an interview to be scheduled, and mention that  
5 failure to participate in the investigative process may result in a violation.

6 25. Despite Respondent responding, he once again failed to schedule or participate  
7 in an investigative interview with Board staff.

8 26. On 04/25/23, Respondent's response to the Board's complaint was due, but  
9 Respondent failed to submit a response.

10 27. On 03/21/23, Respondent was mailed out a notice notifying him of the complaint  
11 to his address of record.

12 28. On 03/30/23, the envelope with Respondent's complaint was returned due to it  
13 not being able to delivered to the address of record.

14 29. On 03/30/23, the Board's Executive Director emailed Respondent a copy of the  
15 notice and complaint to his email on record, noting it had been returned.

16 30. On or around 04/03/23, Executive Director had a telephonic conversation with  
17 Respondent regarding submitting a change of name and address form.

18 31. On 04/18/23, Board staff had to email an electronic copy of his meeting notice  
19 due to Respondent's address still not being updated and his mail not being able to be delivered.

20 32. As of the date of this report, approximately a month after being notified,  
21 Respondent has not yet updated his personal address information with the Board as required.

## 22 **CONCLUSIONS OF LAW**

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

1           2.       The conduct and circumstances described in the Findings of Fact constitute a  
2 violation of A.R.S. § 32-3251(16)(II), being the subject of the revocation, suspension, surrender  
3 or any other disciplinary sanction of a professional license, certificate or registration or other  
4 adverse action related to a professional license, certificate or registration in another jurisdiction  
5 or country, including the failure to report the adverse action to the board. The action taken may  
6 include refusing, denying, revoking or suspending a license or certificate, the surrendering of a  
7 license or certificate, otherwise limiting, restricting or monitoring a license or certificate holder or  
8 placing a licensee or certificate holder on probation.

9 ...

10           3.       The conduct and circumstances described in the Findings of Fact constitute a  
11 violation of A.R.S. § 32-3251(16)(c)(i), making any oral or written misrepresentation of a fact to  
12 sure or attempt to secure the issuance or renewal of a license.

13           4.       The conduct and circumstances described in the Findings of Fact constitute a  
14 violation of A.R.S. § 32-3251(16)(I), engaging in any conduct, practice or condition that impairs  
15 the ability of the licensee to safely and competently practice the licensee's profession.

16           5.       The conduct and circumstances described in the Findings of Fact constitute a  
17 violation of A.R.S. § 32-3251(16)(o), failing to furnish information within a specified time to the  
18 board or its investigators or representatives if legally requested by the board.

19           6.       The conduct and circumstances described in the Findings of Fact constitute a  
20 violation of A.R.S. § 32-3251(16)(ii), violating any federal or state law, rule or regulation  
21 applicable to the practice of behavioral health as it relates to:

22                   A.A.C. R4-6-205, Change of Contact Information

23                                   **ORDER**


24           Based upon the foregoing Findings of Fact and Conclusion of Law, the parties agree to  
25 the provision and penalties imposed as follows:



1           1.       Respondent's license, LPC-20716, shall be surrendered to the Board, effective  
2 from the date of entry as signed below.


3           2.       The surrender shall be considered a revocation of Respondent's license.  
4

5                           **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

6   
Mustafa M. Moyenda (May 5, 2023 05:59 PDT)  
7 Mustafa M. Moyenda

May 5, 2023  
Date

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

9 By:   
10 TOBI ZAVALA, Executive Director  
11 Arizona Board of Behavioral Health Examiners

May 5, 2023  
Date

12 **ORIGINAL** of the foregoing filed May 5, 2023  
13 with:

14 Arizona Board of Behavioral Health Examiners  
15 1740 West Adams Street, Suite 3600  
16 Phoenix, AZ 85007

17 **EXECUTED COPY** of the foregoing sent electronically May 5, 2023  
18 to:

19 Mona Baskin  
20 Assistant Attorney General  
21 2005 North Central Avenue  
22 Phoenix, AZ 85004

23 Mustafa M. Moyenda  
24 Address of Record  
25 Respondent

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Scottsdale, AZ 85254  
Attorney for Respondent