

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

3 **In the Matter of:**

4 **Mary P. Walczak, LAC-16456,**  
5 **Licensed Associate Counselor,**  
6 **In the State of Arizona.**

7 **RESPONDENT**

**CASE NOS. 2023-0213**  
**2023-0214**

**CONSENT AGREEMENT**

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), Mary P. Walczak (“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 acknowledges and agrees that the acceptance of this Consent  
17 Agreement is solely to settle this Board matter and does not preclude the Board from instituting  
18 other proceedings as may be appropriate now or in the future. Furthermore, and  
19 notwithstanding any language in this Consent Agreement, this Consent Agreement does not  
20 preclude in any way any other state agency or officer or political subdivision of this state from  
21 instituting proceedings, investigating claims, or taking legal action as may be appropriate now or  
22 in the future relating to this matter or other matters concerning Respondent, including but not  
23 limited to violations of Arizona's Consumer Fraud Act. Respondent acknowledges that, other  
24 than with respect to the Board, this Consent Agreement makes no representations, implied or

25 ...

1 otherwise, about the views or intended actions of any other state agency or officer or political  
2 subdivision of the state relating to this matter or other matters concerning Respondent.

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

6 9. Respondent further understands that any violation of this Consent Agreement  
7 constitutes unprofessional conduct pursuant to A.R.S. § 32-3251(16)(n) and may result in  
8 disciplinary action pursuant to A.R.S. § 32-3281.

9 10. The Board therefore retains jurisdiction over Respondent and may initiate  
10 disciplinary action against Respondent if it determines that they have failed to comply with the  
11 terms of this Consent Agreement or of the practice act.

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

13 **FINDINGS OF FACT**

14 1. Respondent is the holder of License No. LAC-16456 for the practice of  
15 counseling in the State of Arizona.

16 2. From 03/23 – 05/23, Respondent provided behavioral health services to Client at  
17 Agency.

18 3. On 03/24/23, Complainant 2 signed an informed consent which indicated Agency  
19 does not provide letters to the courts or provide parenting recommendations to the courts.

20 4. Respondent only met with Client a total of three times and Respondent was  
21 made aware during the 03/24/23 intake that the family court wanted Client to engage in therapy.

22 5. On 05/11/23, Complainant 2 requested that Respondent terminate services with  
23 Client.

24 6. On 05/23/23, Complainant 1 informed Respondent that Agency would be  
25 terminating her employment contract and would allow 30 days to transition clients.

1           7.       On 05/23/23, following the termination of Client's therapy services, Respondent  
2 wrote a letter addressed to the family court judge directly with her name, LAC and Agency's  
3 name and address at the top which included the following:

- 4           a.       Respondent was writing this letter out of concern for Client and concern for  
5                herself and her livelihood, which Complainant 2 has derailed.
- 6           b.       Respondent quoted Complainant 2's email where he terminates services and  
7                states it seems Complainant 2 wants to find the right fit for himself rather than  
8                Client.
- 9           c.       Respondent imagines it became clear to Complainant 2 that Respondent  
10               intended to direct the course of treatment and resist manipulation and  
11               intimidation.
- 12           d.       Complainant 2 seemed resistant to acknowledging that adverse childhood  
13               experiences must be addressed for Client to heal.
- 14           e.       Complainant 2 does not seem to understand the degree to which his  
15               behaviors may be delaying and sabotaging Client's recovery.
- 16           f.       Complainant 2 called her employer, Complainant 1, and Respondent's  
17               employment contract has been canceled.
- 18           g.       Complainant 2 has been successful in waging a war against Mother through  
19               the courts and Client is caught in the middle.
- 20           h.       It is Respondent's understanding that Complainant 2 has already lost one  
21               daughter and his relationship with Client is now deteriorating.
- 22           i.       Complainant 2 does not seem open to influence to effect positive change in  
23               himself.
- 24           j.       Respondent is terrified of Complainant 2's position as a police officer.

1 k. Complainant 2 has shown himself to be vindictive and relying on his power to  
2 further his agenda.

3 l. Complainant 2 has temporarily destroyed Respondent financially.

4 m. Respondent is pursuing her LPC or a position with a therapist so she can  
5 accommodate a court order to work with Client.

6 8. Respondent writes this several page letter to be submitted to the courts outlining  
7 her personal concerns with Complainant 2 and failed to consult with anyone prior to writing this  
8 letter.

9 9. The informed consent Complainant 2 signed outlined that Agency does not write  
10 letters to the courts, and a 06/02/22 group supervision Respondent attended included a  
11 conversation around avoiding providing letters of recommendation that would put therapists into  
12 an advocate role and create potential boundary violations.

13 10. Respondent extended her boundaries of competence by offering to be a safe  
14 harbor therapist for Client yet acknowledged not knowing what a safe harbor therapist was.

15 11. Respondent did not obtain any sort of signed release of information authorizing  
16 Respondent to speak directly to the judge or court, meaning Respondent provided personal  
17 health information of one of her clients to someone she did not have authorization to do so.

18 12. On 05/26/23, Respondent was subsequently terminated effective immediately  
19 from Agency for writing the 05/23/23.

20 13. On 05/25/23 following notification that her employment contract would be  
21 terminated within 30 days, Respondent wrote a letter addressed to Complainant 2's Bureau  
22 Chief with her name, LAC, and Agency's name and address at the bottom which included the  
23 following in part:

24 a. Respondent would like to bring attention that Complainant 2 has used the  
25 collar of his position to threaten her.

- 1 b. Complainant 2 has essentially abused the power of his position in a personal  
2 matter that has resulted in Respondent losing her contracted position at  
3 Agency.
- 4 c. Respondent does not know the full extent of Complainant 2's mental health  
5 but, as an officer, at the least she imagines he has observed and dealt with  
6 things on his job that could possibly have affected him in a way that he would  
7 benefit from therapy for his mental well-being.
- 8 d. Respondent hopes Complainant 2 is getting the message she cares more  
9 about "his daughter's" mental health and the implications for the path her life  
10 can take due to unresolved trauma than Respondent cares about how  
11 intimidated he is or might be.
- 12 e. The fact is, Complainant 2 can create a world of trouble for Respondent, up  
13 to and including her accidental death.
- 14 f. Respondent is preemptively bringing this to attention because she has no  
15 idea how Complainant 2 will react to her letter to the Court and because of  
16 the impact that his poor decisions are having on a number of people.
- 17 g. Respondent believes these are red flags and Complainant 2 is on shaky  
18 ground, both personally and professionally.
- 19 h. Given Complainant 2's action, he does not seem to truly want to ensure that  
20 "his daughter" receives the competent and appropriate care she needs.
- 21 i. Respondent is not unemployed and Complainant 2 has completed a threat  
22 that is going to severely impact her financial obligations, not to mention that  
23 she loved and wanted that job.
- 24 j. This letter included Respondent's signature on a letterhead for Agency.  
25



1 **ORDER NOT TO RENEW**

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

4 1. As of the effective date of the Consent Agreement, Respondent shall not practice  
5 under their license.

6 2. Respondent's license, LAC-16456, shall by rule, expire on 12/31/24.

7 3. Respondent agrees not to renew their license.

8 4. Respondent agrees not to submit any type of new license application to the  
9 Board for a minimum of two (2) years.

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

13  
14 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

15 Mary P Walczak  
Mary P Walczak (Jun 20, 2024 10:25 PDT)  
16 Mary P. Walczak

Jun 20, 2024  
\_\_\_\_\_  
Date

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

18 By: M. Zavala  
19 TOBI ZAVALA, Executive Director  
20 Arizona Board of Behavioral Health Examiners

Jul 13, 2024  
\_\_\_\_\_  
Date

21 **ORIGINAL** of the foregoing filed Jul 13, 2024  
22 with:

23 Arizona Board of Behavioral Health Examiners  
24 1740 West Adams Street, Suite 3600  
Phoenix, AZ 85007

25 **EXECUTED COPY** of the foregoing sent electronically Jul 13, 2024  
to:



1 Mona Baskin  
Assistant Attorney General  
2 2005 North Central Avenue  
Phoenix, AZ 85004

3  
4 Mary P. Walczak  
Address of Record  
Respondent

5  
6 Kimberly Kent  
1850 North Central Avenue  
Suite 1900  
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Attorney for Respondent

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