



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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KATIE HOBBS
Governor

TOBI ZAVALA
Executive Director

April 15, 2024

Benjamin R. Moore



Dear Mr. Moore:

On April 12, 2024, the Arizona Board of Behavioral Health Examiners ("Board") reviewed your application for licensure as a licensed associate counselor and determined that you are not eligible for licensure pursuant to A.R.S. § 32-3275(A)(6). Specifically, the Board found that you engaged in conduct that had you been licensed would have constituted grounds for disciplinary action pursuant to A.R.S. § 32-3275(A)(5). The Board determined that the disciplinary action invoked the following violations that were based upon the conduct referenced thereafter:

1. A.R.S. § 32-3251(16)(l), engaging in any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice the licensee's profession.

These violations were based on the following findings:

1. On 12/31/23, the Board received Applicant's LMSW application where he answered yes to multiple background questions.
2. Applicant answered yes to the two questions regarding being subject of a complaint and disciplinary action against his license in another state, and surrendering his license in another state.
3. Within his LMSW Application, Applicant provided the following explanation to his affirmative answers:
 - a. On 07/02/13, Applicant's Arkansas LMSW was issued and revoked on 05/11/15.
 - b. Applicant violated the Social Worker Licensing Act and engaged in unprofessional conduct prohibited by Arkansas.
 - c. Applicant failed to disclose a prior relationship with a sibling of Client once he realized they were related.
 - d. Applicant was fired and voluntarily surrendered his license.
4. A 05/11/15 Consent Order with the Arkansas Social Worker Licensee Board included the following:
 - a. Applicant's clinical supervisor advised Applicant's supervisor that he engaged in a sexual relationship with a client of Agency.
 - b. During Agency's investigation, Applicant admitted to a sexual relationship with Sister.
 - c. During Applicant's employment at Agency, he provided services to Client.
 - d. Applicant admitted to having a brief sexual relationship with Sister while providing counselling services to Client.
 - e. On 08/20/14, Applicant was terminated from Agency.
 - f. Applicant violated unprofessional conduct, violated his position of trust by committing an act detrimental to a client, and violated client-therapist boundaries.
 - g. Applicant's license was revoked and shall not be eligible for issuance of a license by the Arkansas Board for a 20-year period beginning from the date of this order.
5. In a 02/21/24 statement to Board staff, Applicant represented the following:
 - a. Applicant met Sister between 2009-2011 and they had a brief sexual relationship.
 - b. In 2013, Applicant started at Agency as the sole therapist and was assigned Client without

- Applicant knowing he was related to Sister.
- c. Applicant ran into Sister outside of Agency and started dating again.
 - d. While dating, Applicant found out Sister was a client of Agency and he was treating Client, and Applicant failed to disclose this to anyone.
 - e. Applicant and Sister ceased their relationship but Client became aware of Applicant's relationship with Sister, which is how this information came out.
 - f. Applicant was only providing services to Client, and Client reported he suspected Sister might have had a substance use problem.
 - g. Applicant then called Sister's therapist who then asked Applicant to call Sister to ask about it since he was still in the house where services with Client were occurring.
 - h. Applicant asked Sister who denied substance use, and Applicant's supervisor told Applicant to submit a note for it.
 - i. Applicant never provided direct therapy services to Sister and was not part of her treatment.
 - j. Applicant believes the sexual relationship with Sister occurred 2-3 months prior to Sister attending therapy.
 - k. Applicant acknowledges he should have reported the dual relationship with Client and prior relationship with Sister.
 - l. At the time of his termination from Agency, Applicant was having medical issues and eventually was rated as disabled in 2016.
 - m. Applicant has not worked since being terminated from Agency.
6. Despite Applicant not being Sister's direct therapist, he failed to self-report his prior sexual relationship with Sister to anyone at Agency once he became aware of the conflict that Sister was not an Agency client.

Notice of Appealable Agency Action:

Pursuant to A.R.S. § 41.1092.03 (B), you may request a formal hearing by notifying the Board, in writing, within 35 days from the date of this letter. The hearing will be held within 60 days after the Board receives your request. (A.R.S. § 41-1092.05) (A)) At the hearing, you will have the burden of proof to demonstrate that you are qualified for licensure regarding the matters set forth above. The Office of the Attorney General will represent the State of Arizona at the hearing. In addition, if you request a hearing, you have the right to request a settlement conference. (A.R.S. § 41-1092.06) Please note that if you do not request a hearing by the close of business on **May 20, 2024**, your file will be closed without recourse to appeal. If you desire licensure in the future you will be required to submit a new application and fee. Please be further advised that pursuant to the Board's licensure statutes only persons holding licenses to practice behavioral health may do so unless they are exempt from licensure pursuant to A.R.S. § 32-3271.

Notice to Licensure Applicant:

Pursuant to A.R.S. § 41-1093.01, an agency shall limit all occupational regulations to regulations that are demonstrated to be necessary to specifically fulfill a public health, safety or welfare concern. Pursuant to A.R.S. § 41-1093.02 and A.R.S. § 41-1093.03, you have the right to petition this agency to repeal or modify the occupational regulation or bring an action in a court of general jurisdiction to challenge the occupational regulation and to ensure compliance with A.R.S. § 41-1093.01.

If you have any questions, I can be reached at (602) 542-1617.

Sincerely,



Tobi Zavala
Executive Director