

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

3 **In the Matter of:**

4 **Margarett J. Fugate, LCSW-12201 and**  
5 **LIAC-11842,**  
6 **Licensed Clinical Social Worker and**  
7 **Licensed Independent Addiction**  
8 **Counselor,**  
9 **In the State of Arizona.**

10 **RESPONDENT**

11 **CASE NO. 2024-0390**  
12 **CONSENT AGREEMENT**

13 In the interest of a prompt and speedy settlement of the above captioned matter,  
14 consistent with the public interest, statutory requirements and responsibilities of the Arizona  
15 State Board of Behavioral Health Examiners ("Board"), and pursuant to A.R.S. §§ 32-3281(F)  
16 and 41-1092.07(F)(5), Margarett J. Fugate ("Respondent") and the Board enter into this  
17 Consent Agreement, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as  
18 a final disposition of this matter.

19 **RECITALS**

20 Respondent understands and agrees that:

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

24 2. Respondent has the right to a formal administrative hearing at which Respondent  
25 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.

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

3           4.       Respondent acknowledges and agrees that upon signing this Consent  
4 Agreement and returning it to the Board's Executive Director, Respondent may not revoke their  
5 acceptance of this Consent Agreement or make any modifications to it. Any modification of this  
6 original document is ineffective and void unless mutually approved by the parties in writing.

7           5.       The findings contained in the Findings of Fact portion of this Consent Agreement  
8 are conclusive evidence of the facts stated herein between only Respondent and the Board for  
9 the final disposition of this matter and may be used for purposes of determining sanctions in any  
10 future disciplinary matter.

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13 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,  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

18          7.       Respondent acknowledges and agrees that the acceptance of this Consent  
19 Agreement is solely to settle this Board matter and does not preclude the Board from instituting  
20 other proceedings as may be appropriate now or in the future. Furthermore, and  
21 notwithstanding any language in this Consent Agreement, this Consent Agreement does not  
22 preclude in any way any other state agency or officer or political subdivision of this state from  
23 instituting proceedings, investigating claims, or taking legal action as may be appropriate now or  
24 in the future relating to this matter or other matters concerning Respondent, including but not

1 limited to violations of Arizona’s Consumer Fraud Act. Respondent acknowledges that, other  
2 than with respect to the Board, this Consent Agreement makes no representations, implied or  
3 otherwise, about the views or intended actions of any other state agency or officer or political  
4 subdivision of the state relating to this matter or other matters concerning Respondent.

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

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

9 **FINDINGS OF FACT**

10 1. Respondent is the holder of License No. LCSW-12201 and LIAC-11842 for the  
11 practice of social work and addiction counseling in the State of Arizona.

12 2. Since 03/15, Respondent has been employed with an agency (“Agency”) as a  
13 clinical supervisor.

14 3. Respondent provided clinical supervision to an employee (“Supervisee”) of  
15 agency.

16 4. In a 11/16/23 clinical supervision note for Respondent and Supervisee, it is noted  
17 that a minor child had been molested and was now molesting other children.

18 5. There is no follow up by Respondent or Supervisee regarding this disclosure.

19 6. In the 11/23 clinical supervision session note, there is also no discussion of an  
20 action plan or instruction to report the abuse.

21 7. Respondent, as a mandated reporter, failed to report the conduct or ensure it was  
22 reported by Supervisee.

23 8. Furthermore, Licensee represented the following in her written response:

24 a. There was an investigation of Supervisee’s performance, and she was  
25 ultimately terminated from her position.

1 b. It was suggested that Respondent should report Supervisee to the Board.

2 c. However, Respondent declined to do so as she was not involved in the  
3 investigation or aware of Supervisee's plans.

4 9. Respondent declined to file a complaint against another licensee despite being  
5 made aware of conduct that could possibly be a violation of the Board's rules.

6 **CONCLUSIONS OF LAW**

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

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

13 A.R.S. § 13-3620. Duty to report abuse

14 **ORDER**

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

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

19 2. Respondent's licenses, LCSW-12201 and LIAC-11842 shall by rule, expire on  
20 10/31/25.

21 3. Respondent agrees not to renew their license.

22 4. Respondent agrees not to submit any type of new license application to the  
23 Board for a minimum of five (5) years.

24 ...

25 ...

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

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

5 Margarett J Fugate

6 Margaret J. Fugate

Dec 14, 2024

Date

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

9 By: Mpli Zavala

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

Jan 13, 2025

Date

12 **ORIGINAL** of the foregoing filed Jan 13, 2025  
13 with:

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

16 **EXECUTED COPY** of the foregoing sent electronically Jan 13, 2025  
17 to:

18 Mona Baskin  
19 Assistant Attorney General  
2005 North Central Avenue  
Phoenix, AZ 85004

21 Margaret J. Fugate  
Address of Record  
Respondent