

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

3 **In the Matter of:**

4 **Andrew M. Watley, LPC-19498,**
5 **Licensed Professional Counselor,**
6 **In the State of Arizona.**

7 **RESPONDENT**

CASE NO. 2025-0135
CONSENT AGREEMENT
FOR VOLUNTARY SURRENDER

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), Andrew M. Watley (“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11 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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

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

7 **FINDINGS OF FACT**

8 1. Respondent is the holder of License No. LPC-19498 for the practice of
9 counseling in the State of Arizona.

10 2. On 09/12/24, Respondent submitted his LPC renewal application with the Board.

11 3 Within his renewal application, he answered affirmative to two of the background
12 questions within the background questionnaire.

13 4. Respondent provided the following explanation within his renewal application:

14 a. A complaint was filed against Respondent with the Louisiana Professional
15 Counselors Board of Examiners due to Respondent messaging a patient
16 ("Client") outside of sessions and with a lapsed license.

17 b. Respondent had worked with the client for over 5 years and all contact was
18 for therapeutic reasons.

19 c. Respondent had developed a relationship with Client's family and developed
20 a strong bond with Client.

21 d. Respondent failed to renew his Louisiana license after moving to Arizona and
22 surrendered his Louisiana license as he no longer wished to live or practice in
23 Louisiana.

24 5. On 07/26/24, Respondent signed a Voluntary Surrender of License with the
25 Louisiana Board which included the following:

- 1 a. Respondent is a Licensed Professional Counselor with the Louisiana Board
2 and a complaint was received on 06/26/24 alleging that Respondent sent a
3 teenager client (Client) text messages and photos that were alleged to be
4 inappropriate.
- 5 b. On 07/12/24, Respondent was notified of the complaint and requested
6 Respondent to provide a statement regarding the complaint.
- 7 c. Respondent communicated with the Louisiana Board's counsel and indicated
8 he had communications with Client that extended the boundaries outside of
9 their scheduled counseling sessions and denied the allegations of the
10 complaint, and also indicated he longer intended to practice in Louisiana and
11 desired to voluntarily surrender his Louisiana license.
- 12 d. Respondent would have to wait two years to be eligible to reapply for
13 licensure with the Louisiana Board.
- 14 e. Respondent shall pay the Louisiana Board \$3,700 within two years from the
15 date that all parties sign this Consent Agreement and Order.
- 16 f. Respondent acknowledges he had the opportunity to thoroughly review the
17 content of this surrender and was informed of an understands his rights to
18 due process.
- 19 g. Respondent waives his right to formal adjudication and voluntarily surrenders
20 his license.
- 21 h. Respondent acknowledges, stipulates, and agrees that the voluntary
22 surrender of his license in lieu of an administrative action shall have, and
23 shall be deemed by the Louisiana Board to have the same effect as if the
24 Louisiana Board had entered an order of revocation upon the conclusion of
25 formal administrative proceedings.

1 i. Respondent acknowledges that he has had the opportunity to seek the
2 advice and guidance of legal counsel with respect to this stipulation.

3 6. On 09/20/24, the Louisiana Board accepted the voluntary surrender of
4 Respondent's Louisiana professional license.

5 7. A 09/20/24 NPDB report submitted by the Louisiana Board indicated the
6 following:

7 a. Initial Action: Voluntary Surrender of License.

8 b. Basis for Initial Action:

- 9 • Conduct evidencing ethical or moral unfitness.
- 10 • Sexual misconduct.
- 11 • Failure to meet licensure requirements/licensing board reporting
12 requirements.

13 8. Upon receipt of this information, Board staff presented all background information
14 to the Board members at its 11/01/24 Board meeting where the members voted unanimously to
15 open a complaint against Respondent for further investigation.

16 9. After the opening of this complaint, Respondent was appropriately notified and
17 provided a written response to the complaint which included the following in part:

18 a. Respondent has never been intimate, romantic, or sexually harassed any of
19 his clients past or present.

20 b. Respondent has always tried to provide a safe and therapeutic space for his
21 clients.

22 c. Respondent provided additional information within his written response that
23 did not address the complaint specifically.

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1 10. Upon review of this information, Board staff contacted the Louisiana Board's
2 Director who provided two screenshots of texts that they represented was the only evidence
3 they had at this time, but would reach out to Client's mother to inquire about the hundreds of
4 other texts the mother previously stated she had in her possession.

5 11. The two screenshots of texts included the following:

- 6 a. Respondent texted Client that he wishes Client was here and called Client a
7 stud.
- 8 b. Respondent sent a picture of himself flexing and it appears he is not wearing
9 pants as evidenced by the skin on his upper thighs showing.
- 10 c. Respondent sent a picture of himself wearing short shorts and asked Client if
11 the shorts were too small, then said he was going to change.
- 12 d. It does not appear Client responds to this picture and Respondent texts Client
13 again asking if Client was good and that Respondent was thinking about
14 Client.

15 12. Client was 16-years-old at the time of these text messages being sent and
16 Respondent acknowledged treating Client for roughly 5 years, meaning he had started services
17 with Client when Client was around 11-years-old.

18 13. On 11/27/24, Board staff had a brief phone conversation with the Louisiana
19 Board's Director who indicated their process was rather quick since Respondent did not plan on
20 returning to Louisiana, and this concern was reported to law enforcement but they did not have
21 an update on law enforcement's involvement at this time.

22 14. On 11/27/24, Board staff had a brief phone conversation with Client's mother
23 who indicated Client was being treated by Respondent for issues related to Client coming out as
24 gay and struggling with depression as it related to his sexuality.

25 ...

1 15. After review of this information, Board staff contacted Respondent regarding the
2 concerning information and asked if would be willing to sign a Consent Agreement for the
3 Voluntary Surrender of his license with the Board.

4 16. Respondent subsequently agreed to sign a Consent Agreement for the voluntary
5 surrender if his license with the Board.

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), being the subject of the revocation, suspension, surrender
12 or any other disciplinary sanction of a professional license, certificate or registration or other
13 adverse action related to a professional license, certificate or registration in another jurisdiction
14 or country, including the failure to report the adverse action to the board. The action taken may
15 include refusing, denying, revoking or suspending a license or certificate, the surrendering of a
16 license or certificate, otherwise limiting, restricting or monitoring a licensee or certificate holder
17 or placing a licensee or certificate holder on probation

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

21 **ORDER**

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

24 1. Respondent's license, LPC-19498, shall be surrendered to the Board, effective
25 from the date of entry as signed below.


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

Practice Termination Plan

3. Within 14 days of the effective date of the Consent Agreement, Respondent shall submit a written plan for terminating their private practice for pre-approval by the Board Chair or designee. At a minimum, the proposed termination plan must include each of the following:


- a. A written protocol for the secure storage, transfer and access of the clinical records of Respondent's clients and former clients.
- b. The procedure by which Respondent shall notify each client and former client in a timely manner regarding the future location of the clinical records of Respondent's clients and former clients and how those records can be accessed after the termination of Respondent's practice.
- c. A written protocol for developing an appropriate referral for continuation of care for Respondent's current clients.
- d. A list of Respondent's current clients and the timeframe for terminating services to each client. The timeframe for terminating services shall not exceed 30 days.

PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT


Andrew Watley (Nov 27, 2024 14:36 MST)
Andrew M. Watley

Nov 27, 2024
Date

BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

By: 
Tobi Zavala (Dec 16, 2024 06:19 MST)
TOBI ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners

Dec 16, 2024
Date

1 **ORIGINAL** of the foregoing filed Dec 16, 2024
with:

2
3 Arizona Board of Behavioral Health Examiners
4 1740 West Adams Street, Suite 3600
5 Phoenix, AZ 85007

6 **EXECUTED COPY** of the foregoing sent electronically Dec 16, 2024
to:

7 Mona Baskin
8 Assistant Attorney General
9 2005 North Central Avenue
10 Phoenix, AZ 85004

11 Andrew M. Watley
12 Address of Record
13 Respondent
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