

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

2 **In the Matter of:**

3 **Mariela B. Pacheco, LAC-15165,**  
4 **Licensed Associate Counselor,**  
5 **In the State of Arizona.**

6                   **RESPONDENT**

**CASE NO. 2015-0003**

**FINDINGS OF FACT, CONCLUSIONS OF  
LAW, AND ORDER OF REVOCATION**

7                   On November 6, 2014, the Arizona Board of Behavioral Health Examiners (“Board”) held a  
8 formal hearing in the above matter. Assistant Attorney General Marc H. Harris appeared on behalf of the  
9 State. Christopher Munns of the Solicitor General’s Office was present to provide independent legal  
10 advice to the Board. Respondent was not present.

11                  After having considered all the testimony and evidence presented, the Board issues the following  
12 Findings of Fact, Conclusions of Law and Order.

13   **FINDINGS OF FACT**

- 14                  1.       Respondent is the holder of License No. LAC-15165 for the practice of associate  
15 counseling in Arizona.
- 16                  2.       From 03/13 to 06/14, Respondent worked as a Psychology Associate at a men’s  
17 correctional facility (“Agency”).
- 18                  3.       While working at Agency, Respondent was assigned to provide behavioral health  
19 services to an adult male client/inmate (“Client”).
- 20                  4.       In 05/14, Agency’s Criminal Investigation Unit (“CIU”) conducted an investigation  
21 surrounding a possible inappropriate relationship between Respondent and Client.
- 22                  5.       During the CIU investigation, Client acknowledged the following:
- 23                          a.       He and Respondent had a personal relationship and he would have liked it to progress  
24                                  to a physical one.
- 25                          b.       He knew a great deal of personal information about Respondent and her family.

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- c. Client and Respondent corresponded through letters.
- 6. During the CIU investigation, Respondent acknowledged the following:
  - a. She and Client had a friendship where she shared personal information with him.
  - b. Respondent wrote the letters found in Client's housing area.
  - c. Her relationship with Client filled an emotional void and she had a desire for it to progress to a physical level.
- 7. The CIU confiscated 3 letters that were written by Respondent and sent to Client.
- 8. The letters written by Respondent:
  - a. Reflect an inappropriate and dual relationship between Respondent and Client.
  - b. Contained sexual undertones such as:
    - "And once you ask me in that romantic setting you dreamed about, I want to be able to make love to you."
    - "It would be very tough to have you close and not be able to touch you, kiss you or even love you."
    - "I wish I could taste your sexy smile anytime I want to. I wish I could make sweet love or raw, rough love/sex whenever we get the urge or craving."
    - "How long do you think it'll be before I officially become your lover?"
- 9. During the course of the Board's investigation, Respondent's coworker, an Agency behavioral health provider, reported the following information to the Board:
  - a. Information surrounding the criminal investigation regarding Respondent and Client began circulating around the prison near the end of 05/14.
  - b. As a result, Client has become the victim of "prison politicking."
  - c. Also, because of Respondent's conduct, other inmates have linked her as a potential resource to bring in drugs and contraband to the prison.

- 1 d. The other inmates demand that Client arrange the delivery of drugs and contraband  
2 through Respondent.
- 3 e. Regardless of the fact that Respondent is no longer working at the prison, the other  
4 inmates still demand that Client make arrangements with her.
- 5 f. Client has received death threats from the other inmates for his failure to comply with  
6 their demands.
- 7 g. A "shank" was found in one of the housing areas and it was allegedly intended to be  
8 used on Client.
- 9 h. On 1 occasion, Coworker saw that Client was being held on "suicide watch."

10 10. Coworker acknowledges that all information regarding Client was reported to her by  
11 other staff members, including correctional officers and nursing staff.

12 11. Board staff made multiple oral and written attempts to contact Respondent for an  
13 investigative interview.

14 12. Respondent failed to respond to Board staff's requests.

15 **CONCLUSIONS OF LAW**

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

19 2. The conduct and circumstances described in the Findings of Fact constitute a violation of  
20 A.R.S. § 32-3251(15)(k), any conduct or practice that is contrary to recognized standards of ethics in the  
21 behavioral health profession or that constitutes a danger to the health, welfare or safety of a client.

22 3. The conduct and circumstances described in the Findings of Fact constitute a violation of  
23 A.R.S. § 32-3251(15)(l), any conduct, practice or condition that impairs the ability of the licensee to  
24 safely and competently practice the licensee's profession.

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1 ORIGINAL of the foregoing filed  
This 13<sup>th</sup> day of November, 2014 with:

2 Arizona Board of Behavioral Health Examiners  
3 3443 N. Central Ave., Suite 1700  
4 Phoenix, AZ 85012

5 COPY of the foregoing mailed via Interagency Mail  
This 13<sup>th</sup> day of November, 2014, to:

6 Marc Harris  
7 Assistant Attorney General  
8 1275 West Washington  
9 Phoenix, Arizona 85007

10 Christopher Munns  
11 Assistant Attorney General, Solicitor General's Office  
12 1275 West Washington  
13 Phoenix, AZ 85007  
14 Attorney for the Board of Behavioral Health Examiners

15 COPY of the foregoing mailed via  
16 Certified mail no. 7014 1700 0900 6633 1701  
17 This 13<sup>th</sup> day of November, 2014, to:

18 Mariela B. Pacheco  
19 Address of Record  
20 Respondent

21 Donna Dalton  
22 Donna Dalton, Assistant Director  
23 602-542-1811  
24  
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