

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 and may be used for purposes of determining
7 sanctions in any future disciplinary matter.

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10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,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

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

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

19 FINDINGS OF FACT

20 1. Respondent is the holder of License No. LMSW-11403 for the practice of social
21 work in Arizona.

22 2. In 06/14, Respondent worked as an independent contracted social worker at a
23 residential nursing facility, where he was assigned to safely discharge a 67-year-old vulnerable
24 adult patient ("Patient").

25 3. In 08/14, the Board received a complaint against Respondent alleging that

1 Respondent, amongst other individuals, had financially exploited Patient by fraudulently
2 purchasing and selling Patient's home.

3 4. In addition to the Board complaint, Respondent was criminally charged by the
4 Arizona Attorney General's Office.

5 5. In 07/16, Respondent was charged with Fraudulent Schemes and Artifices and
6 Theft/Financial Exploitation of a Vulnerable Adult.

7 6. In 02/17, Respondent pled guilty to Facilitation to Commit Theft/Financial
8 Exploitation of a Vulnerable Adult, a Class 6 felony.

9 7. As a result of Respondent's plea agreement, Respondent shall:

10 a. Be placed on 3 years of supervised probation.

11 b. Pay restitution to Patient.

12 c. Pay investigative costs to Arizona Attorney General's Office.

13 d. Not be employed in any facility or business that provides care to vulnerable
14 adults.

15 CONCLUSIONS OF LAW

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

19 2. The conduct and circumstances described in the Findings of Fact constitute a
20 violation of A.R.S. § 32-3251(16)(a), Conviction of a felony. Conviction by a court of competent
21 jurisdiction or a plea of no contest is conclusive evidence of the conviction.

22 SURRENDER ORDER

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

25 1. Respondent's license, LMSW-11403, shall be surrendered to the Board, effective

1 from the date of entry as signed below.

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

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

6
7 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

8 Edward J. Bandyk _____ Date _____
9 Edward J. Bandyk

10
11 **BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

12 Dated this 12th day of June, 2017.

13 By: ToBi Zavala
14 TOBI ZAVALA, Executive Director
15 Arizona Board of Behavioral Health Examiners

16
17 **ORIGINAL** of the foregoing filed
This 12th day of June, 2017 with:

18 Arizona Board of Behavioral Health Examiners
19 3443 N. Central Ave., Suite 1700
Phoenix, AZ 85012

20 **COPY** of the foregoing mailed via Interagency Mail
21 This 12th day of June, 2017, to:

22 Marc Harris
23 Assistant Attorney General
1275 West Washington
Phoenix, Arizona 85007

24 **COPY** of the foregoing mailed via
25 Certified mail no. 701107140 0000 18041744
This 12th day of June, 2017, to:

1 Edward J. Bandyk
Address of Record
2 Respondent

3 **COPY** of the foregoing mailed via Mail
This 12th day of June, 2017 to:

4 Richard L. Klauer
5 3509 E. Shea Blvd., # 117
Phoenix, AZ 85028
6 Attorney for Respondent

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