

1 b. During questioning, Respondent acknowledged engaging in sexual conduct
2 with an adult male inmate.

3 c. Respondent stated that during the first encounter, the inmate performed oral
4 sex on him.

5 d. During the second encounter, Respondent and the inmate performed oral sex
6 on each other.

7 4. On 08/24/16, Respondent was arrested for 3 counts of unlawful sexual conduct.

8 5. On 01/09/17, Respondent pled guilty to 2 counts of Unlawful Sexual Conduct, a
9 Class 5 felony, by intentionally or knowingly engaging in any act of a sexual nature with an
10 offender who is in the custody of the state department of corrections or a private prison facility,
11 in violation of A.R.S. §§ 13-1419, 13-701, 13-702, 13-712, and 13-801.

12 6. The first count related to conduct that occurred between 04/01/16 and 04/30/16.

13 The second count related to conduct that occurred on or about 05/09/16.

14 **CONCLUSIONS OF LAW**

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

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

21 **ORDER**

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

24 1. Respondent's license, LSAT-12017, 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.

PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

James B. Blackbyrd
James B. Blackbyrd

5/10/2017
Date

BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

Dated this 12th day of June, 2017.

By: Tobi Zawala
TOBI ZAWALA, Executive Director
Arizona Board of Behavioral Health Examiners

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

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

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

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

COPY of the foregoing mailed via
Certified mail no. Toll 2140 0000 18041757
This 12th day of June, 2017, to:

James B. Blackbyrd
Address of Record
Respondent