



STATE OF ARIZONA  
BOARD OF BEHAVIORAL HEALTH EXAMINERS  
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DOUGLAS A. DUCEY  
Governor

TOBI ZAVALA  
Executive Director

September 14, 2022



Dear Mr. Cheney:

On September 9, 2022, the Arizona Board of Behavioral Health Examiners ("Board") reviewed your application for licensure as a licensed marriage and family therapist and determined that you are not eligible for licensure pursuant to A.R.S. § 32-3275(A)(6). Specifically, the Board found that you engaged in conduct that had you been licensed would have constituted grounds for disciplinary action. The Board determined that the disciplinary action invoked the following violations that were based upon the conduct referenced thereafter:

1. A.R.S. § 32-3251(16)(I), engaging in any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice the licensee's profession.

These violations were based on the following findings:

1. On 11/10/21, the Board received Applicant's LCSW application through endorsement.
2. Within Applicant's application he answered yes to four of the background questions and represented the following in part:
  - a. In 12/03, Applicant was terminated from a behavioral health agency for viewing inappropriate material on the internet and subsequently had his professional license in Indiana placed on probation for this conduct.
  - b. In 2006, Applicant applied for his LCSW in Indiana and was granted licensure.
  - c. Applicant was also terminated from Willow Creek BH and Oneida BH for viewing inappropriate content while working.
  - d. In 2017, Applicant was in treatment for anxiety and depression stemming from a behavioral addiction.
  - e. Applicant is able to competently and safely perform his job duties.
3. A 06/18/04 NPDB report indicated Applicant's professional license in Indiana was placed on probation for viewing pornography.
4. In subsequent correspondence with Board staff, Licensee represented since 2017 he has engaged in services for his pornography addiction and behavioral health concerns with at least five different providers and currently attends a 12-step support group.

5. Applicant in fact was terminated from at least five separate behavioral health jobs for viewing pornography at work.
6. In 03/17, Applicant was terminated from Oneida BH for viewing sexually explicit material on the employer's computer which included 21,114 entries with explicit images and videos.
7. In 06/19, Applicant was terminated from Willow Creek BH for viewing pornographic material on company equipment during work hours.
8. Since 2014, Applicant has engaged in services with various providers for medication management and therapy regarding anxiety, depression, and pornography addiction.
9. Applicant made the following representations during an investigative interview:
  - a. The 2004 Indiana Board complaint came about after Applicant was terminated from his employment for viewing pornography at work for a 2 – 3 month period.
  - b. Licensee would view pornography behind a closed door that was unlocked.
  - c. At Oneida BH, Licensee was viewing pornography over a 3 – 4 month period while on the clock in his office with the door locked.
  - d. At Oneida BH, Applicant would masturbate while viewing pornography and believes he ejaculated.
  - e. At Willow Creek BH, Applicant viewed pornography while on the clock with other coworkers in the same room.
  - f. Applicant acknowledged two other employment terminations in 2012 for viewing pornography at work.
  - g. Applicant currently telecommutes and works in-office with his current employment.
  - h. Applicant acknowledged viewing pornography at his current employment with the most recent being a week ago.
  - i. Applicant further acknowledged viewing pornography and ejaculating while on the clock at his current place of employment.
  - j. Applicant currently uses his personal computer and denies ever viewing pornography during a session or in the presence of a client.
  - k. Applicant acknowledged pornography is an issue for him.

Pursuant to A.R.S. § 41.1092.03 (B), you may request a formal hearing by notifying the Board, in writing, within 35 days from the date of this letter. The hearing will be held within 60 days after the Board receives your request. (A.R.S. § 41-1092.05)(A)) At the hearing, you will have the burden of proof to demonstrate that you are qualified for licensure regarding the matters set forth above. The Office of the Attorney General will represent the State of Arizona at the hearing. In addition, if you request a hearing, you have the right to request a settlement conference. (A.R.S. § 41-1092.06) Please note that if you do not request a hearing by the close of business on **October 19, 2022**, your file will be closed without recourse to appeal. If you desire licensure in the future you will be required to submit a new application and fee. Please be further advised that pursuant to the Board's licensure statutes only persons holding licenses to practice behavioral health may do so unless they are exempt from licensure pursuant to A.R.S. § 32-3271.

#### Notice to Licensure Applicant:

Pursuant to A.R.S. § 41-1093.01, an agency shall limit all occupational regulations to regulations that are demonstrated to be necessary to specifically fulfill a public health, safety or welfare

concern. Pursuant to A.R.S. § 41-1093.02 and A.R.S. § 41-1093.03, you have the right to petition this agency to repeal or modify the occupational regulation or bring an action in a court of general jurisdiction to challenge the occupational regulation and to ensure compliance with A.R.S. § 41-1093.01.

If you have any questions, I can be reached at (602) 542-1617.

Sincerely,



Tobi Zavala  
Executive Director