



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

TOBI ZAVALA  
Executive Director

October 20, 2022

Mr. Timothy McDonald  
[REDACTED]

Dear Mr. McDonald:

On October 14, 2022, the Arizona Board of Behavioral Health Examiners ("Board") reviewed your application for licensure as a licensed associate substance abuse counselor 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)(v), engaging in any sexual conduct between a licensee and a client or a former client.
2. A.R.S. § 32-3251(16)(c)(i), making any oral or written misrepresentation of a fact to secure or attempt to secure the issuance or renewal of a license.

These violations were based on the following findings:

1. On 01/24/22, the Board received Applicant's LASAC application.
2. On 02/10/22, Board staff received a report from the Department of Public Safety outlining multiple arrests for Applicant.
3. On 03/12/22, Applicant provided a statement addressing these arrests and disclosing the following regarding a 10/20 arrest:
  - a. Applicant entered into a contractual relationship as a carpenter and counselor with Client.
  - b. Client paid for construction work as well as counseling.
  - c. Applicant and Client became attracted and sexual with one another.
  - d. When he revealed that he did not want to be romantic anymore, Client screamed, cried, and began acting out in their camper.
  - e. After he attempted to console her, Client became aggressive and dropped her phone and went to the police.
4. On 06/20/22, during a phone conversation with Board staff, Applicant disclosed the following:
  - a. Applicant provided services to Client in his own agency from 05/20 to 08/20, while concurrently providing carpentry services.
  - b. In 09/20, Applicant and Client began having a romantic relationship after they stopped therapy services.
  - c. It was more or less unofficial, and there were no contracts signed.
  - d. Applicant did not expect payment from Client, but she was appreciative of his help.
  - e. Applicant does not have counseling records, but she paid because she wanted to pay.
5. Based on Applicant's written statement and verbal communications with Board staff, he had a sexual relationship with a former client.

Notice of Appealable Agency Action:

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 **November 24, 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) 542-1864.

Sincerely,

Tobi Zavala  
Executive Director