

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

3 **In the Matter of:**

4 **Esther Cynthia, LPC-18750,**  
5 **Licensed Professional Counselor,**  
6 **In the State of Arizona.**

7 **RESPONDENT**

**CASE NO. 2024-0117**  
**CONSENT AGREEMENT**

8 In the interest of a prompt and speedy settlement of the above captioned matter,  
9 consistent with the public interest, statutory requirements and responsibilities of the Arizona  
10 State Board of Behavioral Health Examiners ("Board"), and pursuant to A.R.S. §§ 32-3281(F)  
11 and 41-1092.07(F)(5), Esther Cynthia ("Respondent") and the Board enter into this Consent  
12 Agreement, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final  
13 disposition of this matter.

14 **RECITALS**

15 Respondent understands and agrees that:

16 1. Any record prepared in this matter, all investigative materials prepared or  
17 received by the Board concerning the allegations, and all related materials and exhibits may be  
18 retained in the Board's file pertaining to this matter.

19 2. Respondent has the right to a formal administrative hearing at which Respondent  
20 can present evidence and cross examine the State's witnesses. Respondent hereby irrevocably  
21 waives their right to such formal hearing concerning these allegations and irrevocably waives  
22 their right to any rehearing or judicial review relating to the allegations contained in this Consent  
23 Agreement.

24 3. Respondent has the right to consult with an attorney prior to entering into this  
25 Consent Agreement.

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 between only Respondent and the Board for  
7 the final disposition of this matter and may be used for purposes of determining sanctions in any  
8 future disciplinary matter.

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11 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,  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

16           7.     Respondent acknowledges and agrees that the acceptance of this Consent  
17 Agreement is solely to settle this Board matter and does not preclude the Board from instituting  
18 other proceedings as may be appropriate now or in the future. Furthermore, and  
19 notwithstanding any language in this Consent Agreement, this Consent Agreement does not  
20 preclude in any way any other state agency or officer or political subdivision of this state from  
21 instituting proceedings, investigating claims, or taking legal action as may be appropriate now or  
22 in the future relating to this matter or other matters concerning Respondent, including but not  
23 limited to violations of Arizona's Consumer Fraud Act. Respondent acknowledges that, other  
24 than with respect to the Board, this Consent Agreement makes no representations, implied or

25 ...

1 otherwise, about the views or intended actions of any other state agency or officer or political  
2 subdivision of the state relating to this matter or other matters concerning Respondent.

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

6 9. Respondent further understands that any violation of this Consent Agreement  
7 constitutes unprofessional conduct pursuant to A.R.S. § 32-3251(16)(n) and may result in  
8 disciplinary action pursuant to A.R.S. § 32-3281.

9 10. The Board therefore retains jurisdiction over Respondent and may initiate  
10 disciplinary action against Respondent if it determines that they have failed to comply with the  
11 terms of this Consent Agreement or of the practice act.

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

13 **FINDINGS OF FACT**

14 1. Respondent is the holder of License No. LPC-18750 for the practice of  
15 counseling in the State of Arizona.

16 2. From 10/19 – 10/23, Client was receiving behavioral health services from Agency  
17 while she was minor.

18 3 A 05/19/23 case management note completed by Respondent included the  
19 following in part:

20 a. Respondent met with Complainant and discussed concerns regarding risky  
21 sexual behavior.

22 b. Complainant reported previously confiscating Client's phone to find over 100  
23 inappropriate pictures of herself she had been circulating, that Client had  
24 been talking to an adult who was 32, and there had to be a criminal  
25 investigation regarding it.

- 1 c. Client disclosed she was on a dating app and talking to boys and men.
- 2 d. Complainant discussed Client sending nude photos to teens and adults.
- 3 e. Client had been talking to an adult where the matter was investigated under
- 4 child exploitation.

5 4. A 05/19/23 case management note completed by Respondent indicated Client  
6 has given her address to men she meets online where they provide her with drugs and these  
7 are the men she usually engages in the risky behaviors.

8 5. A 05/25/23 case management note completed by Respondent included the  
9 following in part:

- 10 a. Client's risky behaviors were a danger to self.
- 11 b. Mother reported Client informed her and Complainant about her risky
- 12 behaviors.
- 13 c. Mother shared Client tested positive for cocaine.
- 14 d. Mother reported Client confirmed seeing an 18-year-old and probation was
- 15 going to press charges for statutory rape.

16 6. A 05/26/23 case management note completed by Respondent indicated  
17 Respondent met with Client, Mother, and Complainant at the prison facility and Client went into  
18 a forensic interview with the detective.

19 7. A 06/23/23 case management note included the following:

- 20 a. Mother and Respondent discussed the report of sexual assault and Client
- 21 talking to YFAC and Complainant filing charges.
- 22 b. Mother reported it was Client's ex-boyfriend who broke into their house after
- 23 their break up and raped her.

24 8. A 09/27/23 progress note completed by Therapist included the following:

- 25 a. Client asked Therapist if she had to talk about what happened to her.

1           b. Client disclosed the story about the sexual allegation in detail.

2           c. Client reported it happened in August in a company vehicle and Driver told  
3           her not tell anyone and gave Client a vape and \$10.

4           9.     A 09/28/23 CFT note completed by Respondent indicated that Mother and  
5 Respondent informed Complainant of recent allegations brought forth by Client regarding sexual  
6 abuse.

7           10.    Respondent documented in a 05/19/23 case management note that she was  
8 informed of Client's risky behaviors, sending nude photos of herself to adults, and being on  
9 dating applications talking to adults, and even though Complainant indicated there was a  
10 criminal investigation regarding this, Respondent failed to take any steps to ensure the  
11 appropriate authorities were notified and took Complainant's word that there was a criminal  
12 investigation.

13          11.    A 05/25/23 case management note completed by Respondent also indicated that  
14 Mother reported Client was seeing an 18-year-old and that mother would be pressing charges  
15 for statutory rape.

16          12.    Respondent failed to report allegations of statutory rape to either DCS or law  
17 enforcement.

18          13.    Respondent acknowledged on 09/28/23 becoming aware of sexual assault  
19 allegations that Driver sexually assaulted Client.

20          14.    Respondent again failed to notify DCS or law enforcement of these allegations.

21          15.    Respondent represents she did not notify DCS or law enforcement at that time  
22 because it was third-party hearsay information.

23          16.    Despite Agency being aware of these allegations and conducting their own  
24 internal investigation, as a mandated reporter, Respondent is required by law to report  
25 allegations of child abuse to the appropriate authorities.

1 17. Agency does have policies in place requiring staff to immediately report  
2 suspected abuse to a peace officer or DCS.

3 18. It appears on numerous occasions Respondent failed to report allegations of  
4 child abuse or sexual contact with a minor spanning over a 4-month period.

5 **CONCLUSIONS OF LAW**

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

9 2. The conduct and circumstances described in the Findings of Fact constitute a  
10 violation of A.R.S. § 32-3251(16)(ii), violating any federal or state law, rule or regulation  
11 applicable to the practice of behavioral health, as it relates to:

12 A.R.S. § 13-3620. Duty to Report Abuse

13 **ORDER**

14 Based upon the foregoing Findings of Fact and Conclusions of Law, the parties agree to  
15 the provisions and penalties imposed as follows:

16 1. Respondent's license, LPC-18750, will be placed on probation for 12 months,  
17 effective from the date of entry as signed below.

18 2. Respondent shall not practice under their license, LPC-18750, unless they are  
19 fully compliant with all terms and conditions in this Consent Agreement. If, for any reason,  
20 Respondent is unable to comply with the terms and conditions of this Consent Agreement, they  
21 shall immediately notify the Board in writing and shall not practice under their license until they  
22 submit a written request to the Board to re-commence compliance with this Consent  
23 Agreement. All such requests shall be pre-approved by the Board Chair or designee.

24 ...

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1 3. In the event that Respondent is unable to comply with the terms and conditions  
2 of this Consent Agreement, all remaining time frames shall be tolled and remain tolled until  
3 such time as they are granted approval to re-commence compliance with the Consent  
4 Agreement.

5 **Continuing Education**

6 4. In addition to the continuing education requirements of A.R.S. § 32-3273, within  
7 12 months of the effective date of this Consent Agreement, Respondent shall complete 3 clock  
8 hours of continuing education addressing duty to report. All required continuing education shall  
9 be pre-approved by the Board Chair or designee. Upon completion, Respondent shall submit a  
10 certificate of completion of the required continuing education.

11 5. In addition to the continuing education requirements of A.R.S. § 32-3273, within  
12 12 months of the effective date of this Consent Agreement, Respondent shall complete 3 clock  
13 hours of continuing education addressing behavioral health ethics. All required continuing  
14 education shall be pre-approved by the Board Chair or designee. Upon completion, Respondent  
15 shall submit a certificate of completion of the required continuing education.

16 6. In addition to the continuing education requirements of A.R.S. § 32-3273, within  
17 12 months of the effective date of this Consent Agreement, Respondent shall complete 3 clock  
18 hours of continuing education addressing substance use and confidentiality. All required  
19 continuing education shall be pre-approved by the Board Chair or designee. Upon completion,  
20 Respondent shall submit a certificate of completion of the required continuing education.

21 7. In addition to the continuing education requirements of A.R.S. § 32-3273, within  
22 12 months of the effective date of this Consent Agreement, Respondent shall complete 3 clock  
23 hours of continuing education addressing working with high risk youth. All required continuing  
24 education shall be pre-approved by the Board Chair or designee. Upon completion, Respondent  
25 shall submit a certificate of completion of the required continuing education.

1 **Early Release**

2 8. After completion of the continuing education requirements set forth in this  
3 Consent Agreement, Respondent may request early release from the Consent Agreement if all  
4 other terms of the Consent Agreement have been met.

5 **GENERAL PROVISIONS**

6 **Provision of Clinical Supervision**

7 9. Respondent shall not provide clinical supervision to associate level licensees  
8 accruing and submitting hours towards independent licensure while subject to this Consent  
9 Agreement.

10 **Civil Penalty**

11 10. Subject to the provisions set forth in paragraph 11, the Board imposes a civil  
12 penalty against the Respondent in the amount of \$1,000.00.

13 11. Respondent's payment of the civil penalty shall be stayed so long as Respondent  
14 remains compliant with the terms of this Consent Agreement. If Board staff determines that  
15 Respondent is noncompliant with the terms of this Consent Agreement in any respect, with the  
16 exception of the tolling provision under paragraph 3, the stay of the civil penalty payment shall  
17 be automatically lifted and payment of the civil penalty shall be made by certified check or  
18 money order payable to the Board within 30 days after being notified in writing of the lifting of  
19 the stay.

20 12. Within 10 days of being notified of the lifting of the stay, Respondent may request  
21 that the matter be reviewed by the Board for the limited purpose of determining whether the  
22 automatic lifting of the stay was supported by clear and convincing evidence. If the Board  
23 receives the written request within 10 days or less of the next regularly scheduled Board  
24 meeting, the request will not be heard at that meeting, but will be heard at the next regularly

25 ...



1 scheduled Board meeting. The Board's decision on this matter shall not be subject to further  
2 review.

3 13. The Board reserves the right to take further disciplinary action against  
4 Respondent for noncompliance with this Consent Agreement after affording Respondent notice  
5 and an opportunity to be heard. If a complaint is filed against Respondent for failure to comply  
6 with this Consent Agreement, the Board shall have continuing jurisdiction until the matter is final  
7 and the period of probation shall be extended until the matter is final.

8 14. If Respondent currently sees clients in their own private practice, and obtains any  
9 other type of behavioral health position, either as an employee or independent contractor, where  
10 they provide behavioral health services to clients of another individual or agency, they shall  
11 comply with requirements set forth in paragraphs 15 through 17 below.

12 15. Within 10 days of the effective date of this Order, if Respondent is working in a  
13 position where Respondent provides any type of behavioral health related services or works in a  
14 setting where any type of behavioral health, health care, or social services are provided,  
15 Respondent shall provide the Board Chair or designee with a signed statement from  
16 Respondent's employer(s) confirming Respondent provided the employer(s) with a copy of this  
17 Consent Agreement. If Respondent does not provide the employer's statement to the Board  
18 within 10 days of the effective date, the Board will provide Respondent's employer(s) with a  
19 copy of the Consent Agreement.

20 16. If Respondent is not employed as of the effective date of this Order, within 10  
21 days of accepting employment in a position where Respondent provides any type of behavioral  
22 health related services or in a setting where any type of behavioral health, health care, or social  
23 services are provided, Respondent shall provide the Board Chair or designee with a written  
24 statement providing the contact information of their new employer and a signed statement from

25 ...

1 Respondent's new employer confirming Respondent provided the employer with a copy of this  
2 Consent Agreement. If Respondent does not provide the employer's statement to the Board  
3 within 10 days, as required, Respondent's failure to provide the required statement to the Board  
4 shall be deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide Respondent's  
5 employer(s) with a copy of the Consent Agreement.

6 17. If, during the period of Respondent's probation, Respondent changes  
7 employment, resigns, is involuntarily terminated, resigns in lieu of termination, or goes on  
8 extended leave of absence for whatever reason that may impact their ability to timely comply  
9 with the terms of probation, Respondent shall, within 10 days of the aforementioned acts, inform  
10 the Board of their change of employment status. After the change and within 10 days of  
11 accepting employment in a position where Respondent provides any type of behavioral health  
12 related services or in a setting where any type of behavioral health, health care, or social  
13 services are provided, Respondent shall provide the Board Chair or designee a written  
14 statement providing the contact information of their new employer(s) and a signed statement  
15 from Respondent's new employer(s) confirming Respondent provided the employer(s) with a  
16 copy of this Consent Agreement. If Respondent does not provide the employer's statement to  
17 the Board within 10 days, as required, Respondent's failure to provide the required statement to  
18 the Board shall be deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide  
19 Respondent's employer(s) with a copy of the Consent Agreement.

20 18. Respondent shall practice behavioral health using the name under which they  
21 are licensed. If Respondent changes their name, they shall advise the Board of the name  
22 change as prescribed under the Board's regulations and rules.

23 19. Prior to the release of Respondent from probation, Respondent must submit a  
24 written request to the Board for release from the terms of this Consent Agreement at least 30

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1 days prior to the date they would like to have this matter appear before the Board. Respondent  
2 may appear before the Board, either in person or telephonically. Respondent must provide  
3 evidence that they have successfully satisfied all terms and conditions in this Consent  
4 Agreement. The Board has the sole discretion to determine whether all terms and conditions of  
5 this Consent Agreement have been met and whether Respondent has adequately demonstrated  
6 that they have addressed the issues contained in this Consent Agreement. In the event that the  
7 Board determines that any or all terms and conditions of this Consent Agreement have not been  
8 met, the Board may conduct such further proceedings as it determines are appropriate to  
9 address those matters.

10 20. Respondent shall bear all costs relating to probation terms required in this  
11 Consent Agreement.

12 21. Respondent shall be responsible for ensuring that all documentation required in  
13 this Consent Agreement is provided to the Board in a timely manner.

14 22. This Consent Agreement shall be effective on the date of entry below.


15 23. This Consent Agreement is conclusive evidence of the matters described herein  
16 and may be considered by the Board in determining appropriate sanctions in the event a  
17 subsequent violation occurs.

18  
19 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

20   
21 Esther J. Cynthia (Sep 17, 2024 20:42 PDT)  
22 \_\_\_\_\_  
23 Esther Cynthia

20 Sep 17, 2024  
21 \_\_\_\_\_  
22 Date

22 **BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

23 By:   
24 \_\_\_\_\_  
25 TOBI ZAVALA, Executive Director  
Arizona Board of Behavioral Health Examiners

23 Sep 18, 2024  
24 \_\_\_\_\_  
25 Date

1 **ORIGINAL** of the foregoing filed Sep 18, 2024  
with:

2  
3 Arizona Board of Behavioral Health Examiners  
4 1740 West Adams Street, Suite 3600  
5 Phoenix, AZ 85007

6 **EXECUTED COPY** of the foregoing sent electronically Sep 18, 2024  
to:

7 Mona Baskin  
8 Assistant Attorney General  
9 2005 North Central Avenue  
10 Phoenix, AZ 85004

11 Esther Cynthia  
12 Address of Record  
13 Respondent

14 Jason Pritchett  
15 15205 N. Kierland Blvd. #200  
16 Scottsdale, AZ 85254  
17 Attorney for Respondent

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